# REMARKS

ON THE

# LETTER

OF THE

## RT. HON. EDMUND BURKE,

CONCERNING THE

## REVOLUTION IN FRANCE,

AND ON

THE PROCEEDINGS IN CERTAIN SOCIETIES IN LONDON, RELATIVE TO THAT EVENT.

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ΑΛΗΘΕΙΗ. ΑΡΕΤΗ. ΕΛΕΤΘΕΡΙΗ.

*I have no Compliments or Invectives for Parties. I have no political Attachments but to* TRUTH, VIRTUE, *and* LIBERTY: *and am ambitious of no Friends or Enemies but theirs.*

*Attendez tout de deux Forces également victorieux & pacifiques: la Force des Choses, & celle de Lumieres.*

Memoire pour Le Peuple François, 1788.

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THE SECOND EDITION WITH ADDITIONS,

AND

REMARKS on Mr. BURKE's LETTER to a MEMBER of the NATIONAL ASSEMBLY.

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BY CAPEL LOFFT.

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MDCCXCI.

2/ P 159 to 191.

Perhaps no contemporary vindication of the French Revolution excepting Mr. Fox condemned the seizure of Church Property in France, (See p 61. 62 &c) & the abolishment of all Titles (65. 66) or expressed concurrence with Mr. Burke's sentiments as to the Age of Chivalry (49–50. the most celebrated of all the replies to Burke's Reflections was totally wanting in candour as well as in nobleness of thought & feeling Mackintosh's Vindiciæ Gallicæ is a skilful but one sided piece of argumentation and nothing more.

Paine Rights of Man

# ADVERTISEMENT.

OF the many Treatiſes which the Letter of Mr. BURKE has occaſioned, ſeveral have been republiſhed; and with all allowances for the celebrity of the party who gave riſe to the diſcuſſion, the importance of the ſubject, and reaſons which apply to ſome of thoſe publications in an eminent degree, it may be hence inferred, that THE PEOPLE of this Country are not indifferent, or generally averſe to the Principles, Conduct, and Reſult of the REVOLUTION in FRANCE. I hope in form and arrangement, the preſent Edition will be found to have been improved; and that it is freed from ſome obſcurities of ſtyle and manner. I have found nothing to retract: nor any thing directly concerning the main queſtion to add, except *three Papers*, which will be found in the *Appendix*, and which I have deſired to be ſeparately reprinted for the Purchaſers of the former Edition; one *the Inſtructions* to the Miniſters of *France* at

at foreign Courts, *declaring the King's Concurrence in the Principles of the New Conſtitution, and his determination to adhere to it and ſupport it*; the other, *the Mode of Election to the National Aſſembly:* The third, Extracts from the *Letters* and valuable *public Documents*, publiſhed by Mr. *Chriſtie*, reſpecting many leading particulars in the *Conſtitution* of *France*; being chiefly Reſolves ſince the Publication of the former Edition of my Remarks. The other Alterations are chiefly verbal, or of arrangement, or of incidental, though not unintereſting ſubjects. Theſe of courſe are ſo interwoven, that they could not be ſeparately reprinted. The four additional Numbers in the Appendix, are marked with Aſteriſms.

10 *July*, 1791.

# REMARKS

ON THE

# REFLECTIONS

OF THE

# Right Hon. EDMUND BURKE,

CONCERNING THE

# REVOLUTION IN FRANCE, &c.

IN whatever ſtate of mind, whether of tranquillity or diſtreſs, Events which muſt conſiderably affect the welfare of any part of the human ſpecies, cannot be indifferent to an human being, duly ſenſible of his relations as ſuch, and their correſpondent duties. And readily as the human mind deceives itſelf, mine, in this inſtance, can acquit me on the cleareſt reaſons, of having been determined by any motive which has not a common in-

tereſt of ſociety for its baſe, in offering theſe Remarks to the Public. For extreme and frivolous muſt have been that vanity indeed, or more wretched and incongruous ſtill any other ſelfiſh inducement, which could have tempted me, at the time when they were firſt publiſhed or now, to take the pen, if a graver monitor than conceit, or the indulgence of any perſonal views, had not ſuggeſted the attempt. And, certainly, to any man, the deſign of animadverting on the late publication of Mr. BURKE, compoſed deliberately and with ſtudy, with the advantage of powerful and ſplendid talents, on one of the greateſt and moſt ſingular of all national occurrences ever tranſmitted to mankind in the hiſtoric page, THE REVOLUTION OF FRANCE, could not be conſidered a light enterprize. Vanity might recoil from the attempt; as feeling ſhe had more to hazard againſt ſuch an antagoniſt, than could be compenſated by any probability in her favour: but the love of truth and of freedom will ſummon not in vain to the field; and will find thoſe on their ſide who are little ſolicitous, if the cauſe prevails, what may be their perſonal lot in the conflict. And as

my

Eulogium on E. Burke



my view in entering on this argument is to explain and vindicate thoſe principles and that conduct which appears to me eſſential to the welfare and the ſafety of nations, I ſhall combat this celebrated work no farther than juſt neceſſity, in defence of theſe, ſeems to oblige me: and ſhall, at once, unreſervedly acknowledge, that although it contains many ſentiments and repreſentations to which it is impoſſible that I ſhould wiſh permanent celebrity (and thoſe ſuch as to affect the very baſis of the work) it contains remarks which I think it merely an obligation of candour to recognize, as equally acute and ſolid: remarks which may yet, I hope, have a beneficial effect on the preſent day; and which, in deſcending to poſterity, will not fail of approbation.

And, indeed, this production of the exuberant fancy of Mr. Burke, like the beauteous and fertile region ſo illuſtrious in antiquity, which owed its abundant produce to the over-flowing of its mighty river, is fraught with ample materials to exerciſe the various faculties and emotions of the mind. A rich profuſion of flowers of the moſt vivid and diverſified hues;—and through theſe the tra-

veller muſt paſs, with reluctant haſte, many ſalutary herbs, almoſt concealed in the gay luxuriance by which they are ſurrounded: noble trees, of durable ornament and utility: and noxious plants, ſometimes too alluring, but ſome of them not leſs revolting to ſenſe than hurtful in their effects. What is captivating to the fancy I muſt generally paſs with ſilent complacency: what informs the judgment will command and recompence the attention paid to it: what addreſſes itſelf to the ſympathies of the heart it may ſometimes be neceſſary, but it will be painful, to oppoſe. But to a duty thus ſevere we ſhall not often be called in the diſcuſſion of this ſubject: ſince of thoſe ſympathies the pureſt and moſt juſt ſupport our cauſe.

It will be perceived that I do not follow Mr. BURKE paragraph by paragraph. My object has been rather to take the queſtion in that ſimple form into which it naturally reſolves itſelf: and to confine myſelf almoſt entirely to what ſeem the moſt eſſential points. Mr. BURKE has choſen the epiſtolary form: which admits of digreſſion, reſumption, ſtudied negligence, artificial confuſion, turns of thought and expreſſion, flights of imagination,

tion, addreſſes to the paſſions, perhaps with more freedom and effect than any other mode of compoſition. It is for Mr. BURKE to give intereſt to a Letter of ſuch extent: and to preſerve the attention undiminiſhed to its cloſe. But it is not for me to conduct the reader into a labyrinth in which he might look round in vain for the brilliancy, the variety, the eaſy winding which charmed his path while he wandered in the maze formed by magic powers—without theſe, intricacy muſt be painful; and a length of way, inſtead of being unfelt, would endanger my loſing thoſe, who, intereſted in the object of theſe reſearches, may ſet out with me; and whom I muſt wiſh to accompany me to the end. The road is clear and direct before us. It would be ſtrange if ſo great an event, when viewed from the due point, could either in its principles or natural tendency be of obſcure inveſtigation. Its greatneſs bears the character proper to it. The intrigues of courts, the cabals of factions, are obſcure and perplexed. When a mighty nation emerges at once to freedom, the moſt luminous ſimplicity marks ſo fair a riſe.

There are TWO QUESTIONS which naturally occur in contemplating the paſt and preſent ſituation of FRANCE; whether a *Revolution*, or great change in the government by the interference of the power of the People, was neceſſary *to the ſecurity and welfare of that nation*;—and *how far the means employed, the principles adopted, and the ſyſtem actually introduced, have been promotive of ſucceſs adequate to the hazarding of thoſe evils which always muſt be hazarded in the production of any great and general change.* And theſe two queſtions, with the Evidence proper to decide them, more particularly belong to the FRENCH NATION itſelf: although they cannot wholly be overpaſſed here.

There is a THIRD, and moſt extenſively important, queſtion: *how far the* REVOLUTION *in* FRANCE, either as a *Fact* or as an *Example, is intereſting to* this, *and to other Nations; what ſentiments and conduct it ſhould inſpire; and what conſequences it tends to produce.* And there is yet another rather inſinuated than expreſſed by Mr. BURKE, how far the Revolution in England, and ſimilar events in other countries, may and ought to be traced to full National Right; or whe-

ther, even after the event, they are mere Myſteries of Government, to be taken implicitly by the people, whatever good or evil may exiſt in them, as they take the changes in the natural world as beyond their reach and controul both in the cauſe and the effect.

This arrangement, which ſeems to flow from the ſubject, can have but one inconvenience to the Reader; and that, when once intimated, will probably not be conſidered as any: it will oblige me to examine laſt ſome conſiderations on the conduct of individuals and public bodies in this Country, which Mr. BURKE has placed in the van of his argument: but as with him they recur as objects of attack, and are complimented with a ſort of platoon firing through the ſeveral diviſions of his main body, and with me they will be found only in the poſt aſſigned to them in the rear, I may without much preſumption believe no material degree of confuſion can take place from this difference in arranging the ſubject. As to the *firſt* it may be obſerved, that the ordinary or extraordinary powers of the ſubſiſting government had appeared inadequate to the

exigence in the opinion of the *French Monarch* himſelf and his adviſers: particularly of Mr. NECKER; whoſe attachment either to the juſt intereſts of the Crown, or the Rights of the People appears, ſo far as I have yet learnt, unexceptionable.

When it was neceſſary for the maintenance of public credit, and for the ſupport of the honour of the Crown, to reſort to ſome ſyſtem of political organization, which might create a body inveſted with the confidence and repreſenting the will of THE PEOPLE, it was neceſſary to make a change in the mode of adminiſtering the government; which if permanent, muſt amount to a *Revolution:* and aſſuredly it was too much to expect, that the People ſhould ſubmit to a temporary arrangement for the advantage of a part of the ſtate, and not aim at a laſting proviſion for the whole.

At that time precedents were interruptedly, and thinly, ſcattered through a long period of time, and extremely various, with reſpect to the formation of an Aſſembly of the States. After various inſtructions from the Provinces, the *King* iſſued a *Declaration:* a Copy of this was tranſmitted to me in manuſcript, by a friend

friend then at *Paris:* and whoſe ſervices to human ſociety, in a line not uſually comprehended within the ſyſtem of politics, have been ſignal, and of exemplary perſeverance: I hoped in my firſt Edition, and I rejoice now, not to be at liberty to name him: and that his late dangerous illneſs has not ranked him among thoſe of whom it is allowed to ſpeak without wounding delicacy, and without incurring envy. It ſtruck me, *that* Declaration entered too much into the detail; that it was unſatisfactory, and liable to evaſion in ſome very material, but yet ſubordinate, points; and that as to others of really primary importance, it prematurely anticipated what might, with better proſpect, have been left to be ſuggeſted in the Aſſembly itſelf, by the zeal and diſcretion of ſome of its members. But I thought at the ſame time, that it contained hints very capable of being modified, ſo as to give the outline of a free and firm Conſtitution; retaining ſo much of antient uſage as ſhould obviate prejudice, and conciliate union; and adopting ſo much of new proviſions as ſhould ſecure the preponderance of public and general right. But this Partition of legiſlative bodies, though perhaps

eſſential

eſſential to a permanent Conſtitution, would probably have been incompatible with the great and neceſſary deſign of *forming* a Conſtitution: to this, a *ſingle* Body, ſo conſtituted as the NATIONAL ASSEMBLY, ſeemed beſt adapted.

This was about the middle of the ſummer of 1789. The neceſſity of giving ſome determined form, which ſhould regulate the powers of the Convention, ſoon became preſſing: and, waving, for the moment, the diſcuſſion of the particular form adopted, a change of ſufficient magnitude to be called a Revolution, was, on all hands, and the King particularly not excepted, almoſt unanimouſly deſired. The very letter * by which the STATES GENERAL were convened, ſummoned the Deputies in ſuch manner as to recommend expreſsly their being furniſhed with general and ſufficient † *powers to propoſe, adviſe, and conſent to every thing which might concern the wants of the State, the Reform of* Abuſes, *the eſtabliſhment of a firm and durable order in all the departments of the adminiſtration*;

* Jan. 24, 1789. † Addreſs of the Nat. Aſſemb. and authent. Doc. Lond. 1790, p. 26.

*the*

*the general proſperity of the kingdom, and the welfare of all, and every of the ſubjects.*

But with Mr. BURKE, it ſeems, theſe inveterate abuſes, theſe radical, and by all orders acknowledged defects, are little and fallacious motives, and very inadequate to juſtify a change. And, indeed, he ſeems to think, that the utmoſt political competency of a Nation, is to change the *Perſons* by whom its Government is adminiſtered, and to make ſome circumſtantial alterations, neceſſarily incidental, in the Forms, retaining the ſubſtance of the Conſtitution. Now certainly, before we examine whether a particular Revolution which changes the political Syſtem of a People be neceſſary, we muſt be convinced,—if we can for a moment doubt it, that it is *competent* to the People for ſufficient cauſe to change the Conſtitution. Government with him, ſeems a kind of intereſt, of which the uſufruct only is in the Nation, as a private eſtate under ſettlement is in the preſent poſſeſſors: and to him it is apparently, at leaſt, doubtful, whether the People, under any ſubſiſting government on earth, have a right to make the ſyſtem which their anceſtors have left them, other than they

they found it. They may, it ſeems, in extreme caſes, remove the Tyrant; but if the root of tyranny is interwoven in their political Conſtitution, they muſt, in obedience to the obligations contracted for them by their Anceſtors, retain the radical vice of a government ſo eſtabliſhed, becauſe it has been eſtabliſhed.

In our ENGLISH REVOLUTION, I ſee nothing to induce the opinion, when facts are attentively conſidered, of any incompetence in the People to alter the form of the Conſtitution, in any extent which they ſhould find requiſite. Dr. PRICE *, a Name endeared to human ſociety, by the moſt diſintereſted, perſevering, and extenſive ſervices, and whoſe death † will be regretted by greater Multitudes than the Eloquence of aught but virtue can ever reach, conſiders it as a ſolemn aſſertion carried into practice, of the *Right of the People to chuſe their own Governors; to caſhier them for miſconduct; and to form a Government for themſelves.* And in the name of the PEOPLE of ENGLAND, Mr. BURKE ‡ very explicitly and warmly pro-

* Price, p. 34. † 19th Apr. 1791, in his 68th Year.
‡ Burke, p. 20.

teſts

teſts againſt the claim: and denies it to have any foundation in the facts and principles of that event: reprobating the idea as innovating, and certain to be reſiſted by the People, with the ſacrifice of their lives and fortunes, if ever it ſhould be practically aſſerted. But as it cannot be practically aſſerted at any future period, but by the concurrence of the People, there muſt be ſome miſtake in ſuppoſing, that the People will ſacrifice themſelves to prevent what they ſhall have determined to effect.

The queſtion, in the mean time, whether theſe three great principles *are* practically aſſerted by the Revolution, muſt, from the nature of it, be a ſimple queſtion of fact; the ſolution of which cannot be difficult or obſcure.

On the *ſecond* of theſe Rights, which was firſt in the execution, (for *William* was not choſen till *James* had been legiſlatively *pronounced* no longer King) the only objection poſſible to be offered to the proof reſulting from the plain language of the facts amounts to this, that *miſconduct* * is a word not ſufficiently ſtrong for the occaſion. Mr. BURKE gives

* P. 38.

no

no other word: and he repeats the inſtances of miſgovernment for which the Legiſlature, in the name and in the behalf of the people, pronounced the Government abdicated, and the Throne vacant: they are inſtances of the higheſt miſconduct: and the term is proper, becauſe it does not miſlead, by appearing to confine the mind to the degree and particular inſtances of delinquency, but gives, juſtly and with preciſion, the general ground. What degree and kind of miſconduct incapacitates for that meaſure of public truſt which is annexed to the exerciſe of the kingly office, THE PEOPLE muſt determine. And as the juſtneſs of Mr. BURKE's obſervation, that the ceremony of caſhiering kings is no light or eaſy one, will admit of no diſpute, it can be as little doubted, that the People will not reſort to it as a capricious amuſement; but as a moſt ſerious and laſt remedy, in caſes of general urgency.

But to ſay, that "*the line where obedience ought to end, and reſiſtance muſt begin, is faint, obſcure, and not eaſily definable* *," is to convert a queſtion of common ſenſe, and immediate public feeling, into a caſuiſtical nicety; either

* P. 43.

uſeleſs,

uſeleſs, when applied to ſuch ſubjects, or pernicious; nor is this very conſiſtent with the epithet of "*ſuperlative*," characterizing this line; for ſuperlatives muſt make a determinate, ſtrong, and vivid impreſſion. And to ſay, that it is "*a queſtion of ſtate, not made for common occaſions, nor to be agitated by common minds* *," is to aſſert in the former clauſe of the ſentence, what was too clear to require ſtating; and which ſeems only to have been introduced for the purpoſe of familiarizing the doctrine in the cloſe; a doctrine ſo alarmingly paradoxical, that it did indeed require preparation: it was neceſſary the mind ſhould ſlide over it by aid of the ſmooth and inſenſible declivity offered it in the preceding propoſition. There is no deſcent not ſurmountable with eaſe, where the inclined plain can be proportionably adapted: and thus our philoſophical Politician has conducted us to the foot of the precipice, when perhaps we hardly perceived we had quitted the level. Without ſuch precautions, common minds would certainly have been ſtartled at being informed, that it was the excluſive right and faculty of thoſe very uncommon minds of

* P. 43.

which

which the leaders of parties are compoſed, to determine the meaſure of thoſe oppreſſions which the People muſt patiently endure; and to mark, as their diſcretion ſuggeſts to them, the obſcure and indefinable line where reſiſtance ſhall begin, when the public eye is incapable of diſcerning it.

Thus it is in *Turkey:* where the Conſtitution remains unviolated by reform, though the necks of the governors are in the habit of expecting the bow-ſtring; and where conſtantly there exiſts as much or as little reaſon for a Revolution, as the few whoſe intereſts are concerned feel themſelves diſpoſed to diſcover.

The right to the *choice* of governors, as by the Revolution aſſerted, is combated on the ſuggeſtion that it is "*againſt all principles of genuine juriſprudence to draw a principle from a law made in a ſpecial caſe, and regarding an individual perſon* *." And if it regards him merely as an individual, this will evidently be true. But the principles of that law which pronounced the throne abdicated and the government vacant, and which filled that vacancy by the adoption of a foreign Prince, were not limited to the names and

* Page 23.

perſons

perſons of *James* and *William*. Theſe we may now uſe as the *Caius* and *Titius* of the *Roman* juriſts: and may aſſert, that when a Prince *violates the original* compact, and by *breaking the fundamental laws* manifeſts (and carries into execution as far as in him lies) by overt act, an attempt to ſubvert the conſtitution of the kingdom; when a Prince puts himſelf in a ſituation which incapacitates him from performing the duties of his office, he has diveſted himſelf of title to authority; and the vacancy ſhall be ſupplied in ſuch manner as the circumſtances of the caſe demand, for the preſervation of the liberty and peace of the Nation.

Another reaſon is attempted by which to prove, that the conduct of the Revolutioniſts was not meant to aſſert, but to exclude the right of the People to chuſe their governors: it was a *ſmall*, it is ſaid, *and temporary deviation from the ſtrict order of hereditary ſucceſſion* *. But doubtleſs it is too manifeſt to require proof or diſcuſſion that it was *not* a ſmall deviation; ſince it veſted the whole regal office *excluſively* in *William*: that it was not *temporary*; ſince it ſuperſeded all who

* Page 24.

were not Proteſtants to the end of time: that indeed no change of ſucceſſion could go much farther than one which conſtituted a new ſource, new limitations and conditions of deſcent: and that had it been in fact as temporary and as ſmall as any change of this nature can ever be, it could be juſtified on no principle of leſs extent than ſuch as would alike authorize, if the caſe required, a total diſregard to ſucceſſion: and a caſe is obvious to be conceived in which, on the principles of the Revolution, all idea of ſucceſſion in any ſubſiſting line muſt have been totally abandoned. Events were by no means improbable, in which, by the very Act of ſucceſſion, eſtabliſhed on the principles which had eſtabliſhed the Revolution, a new appointment, for which no legiſlative proviſion had been made, muſt have taken place: perſons inheritable, if they had not expreſsly been excluded, ſtill remaining. And this appointment could have had no conſtitutional or rational baſis but in an authority derived from THE CHOICE of THE PEOPLE.

In reality, THE PEOPLE exerciſed a right as full as the moſt abſolute which the poſſeſſor of a fee can exert in limiting a private

 inhe-

inheritance. If he gives this to *John*, in preference to his elder brother *James*, he gives it by the ſame right, and not by any leſs than that, which would have authorized him to give it to a ſtranger. If he limits the deſcent by conditions, he limits it as having the perfect diſpoſal: the nature and importance of thoſe conditions being in his own breaſt. If the legiſlature then adverted in the inſtance of *William* to any idea of propinquity to the throne, they did thus becauſe ſuch propinquity was, with more eſſential conſiderations, a motive of choice: as ſoftening prejudices and retaining ſo much of antient uſage as appeared, in the circumſtances, ſafe and expedient to be retained. And in the preface to the laſt Edition of the Diſcourſe of Dr. PRICE on *the Love of our Country* (a Diſcourſe which the moſt brilliant Genius and the moſt ſeducing Authority cannot lower from its juſt and general eſtimation into public diſregard) it is well obſerved, that the power of Parliament to limit the deſcent and inheritance of the crown is ſolemnly affirmed by a deliberate act of the Legiſlature *.—I ſay nothing of the extreme

* 6 Anne, c. 7.

ſanction under which the denial of it is prohibited.

*The right of the People to form a government for themſelves* *, is ſaid to have as little ſanction from the Revolution as the other two, either in precedent or principle. This may truly and ſafely be admitted: ſince we have ſeen, that thoſe two are moſt clearly and explicitly recognized, both in principle and practice, by that event: and if a People aſſert by their conduct their right to remove their governors for mal-adminiſtration of their office;—their right to chooſe governors, ſuperſeding by that choice the courſe of ſucceſſion; and if theſe Rights ſo aſſerted reſolve themſelves into firſt Principles of ſocial Power and of civil Freedom, it would be idle in the extreme to enquire, by what means a People who underſtand theſe branches of their authority, inherit them as rational and ſocial beings, united for the common benefits of civil government, and act accordingly, can be made to doubt whether ſuch government be not as much theirs to re-model or create, as the perſons by whom it is to be adminiſtered are, neceſſarily, from the relation in

* Page 44.

which

which they ſtand, ſubject to their appointment and removal.

But if Mr. BURKE views the REVOLUTION in this country in 1688 rightly, it was an exertion of public authority to eſtabliſh freedom for the People of that age, in ſo far as their leaders thought proper to eſtabliſh it: but to perpetuate *ſlavery* on their poſterity for ever: ſince if the ſtipulations which they choſe at that time to make were to be for ever binding on their deſcendants by an irrepealable law, whatever defects or miſchiefs time and experience might diſcover, the law, which derives its force in every free ſtate from being an expreſſion of the will of the ſtate, might act in the moſt perfect contrariety to their will *.

* Whether the occult Power of the *Jus-Divinum*, or the Magic Obligation on all Poſterity, of a particular Act of Parliament, rivetted the Chain, the language of the *Polinice* would hold alike.

" Eſt ce au Peuple, Madame, de ſe choiſir un Maitre?
" Si tôt qu'on hait un Roi, doit on ceſſer de l'être?
" Son haine ou ſon amour ſont ces les premiers droits
" Qui font monter au Trône ou deſcendre les Rois?
" Que le Peuple à ſon gré nous craigne ou nous cheriſſe:—
" Le ſang nous met au Trône et non pas ſon caprice."

*Les Freres ennemis. Racine. T. 1.*

Every law, I apprehend, which is not merely declaratory of immutable principles (for theſe derive their obligation from an independent and ſupreme ſource) may be repealed by the ſame authority by which it is enacted: an ordinary law by the ordinary power of the legiſlature under their general truſt; a conſtitutional law by the conſtitutional power of the People under a ſpecial truſt, committed to the legiſlature for that particular purpoſe. In any other view of the ſubject I ſhould feel little difference between the obſolete notion of a divine hereditary indefeaſible right to a perpetual ſucceſſion of unalterable monarchy, and a parliamentary indefeaſible obligation to an unchangeable form of government.

The Kings, if there have been ſuch of this country ſince the *Norman William*, who did not owe their throne to choice, direct or remote, of their People, could, I apprehend, be no other than uſurpers. But it would not follow that the acts paſſed under their reign would conſequently be invalid, any more than the *plebiſcita* propoſed by a Tribune in the *Roman* republic, under certain incapacities, by the conſtitution, of holding that office. Mr.

BURKE,

BURKE, on recollection, can hardly, I think, fail to ſee the right ſide of this queſtion: which has not been overlooked by the obſervation and ſagacity of PLUTARCH. Laws would be wretchedly precarious indeed, if they ſhould be void by the want of title in the individual, exerciſing, in fact, the regal office, though paſſed by the advice and concurrence of the repreſentatives of the People, and the other branch of the community, the Lords. To ſuppoſe this, ſeems to contradict all analogy: and if no temporary and perſonal conſiderations had intervened, it ſeems incredible that the acts of the legiſlature, during the interregnum, could have been conſidered as void.

In the laſt ſeven centuries, and what has paſſed of the preſent, will one be found in which the courſe of ſucceſſion has been obſerved as an unalterable rule? The general principle of a ſucceſſive crown, in preference to one elective, at every vacancy, has prevailed: as of convenience; not of perpetual and proper neceſſity, in a political ſenſe. Yet Mr. BURKE expreſſes himſelf as if there never had been a King of *England* who owed his throne to the choice of the People, prior

to the Revolution: and as if the validity of our moſt eſſential laws, ſuch as are vital to the conſtitution, depended on the reſult of reſearches now to be made reſpecting the validity of the titles to the crown of the ſeveral Kings in whoſe reign they paſſed: as if the two Houſes acting repreſentatively, or immediately, for the whole Community, the king excepted, could not give ſanction to ſuch laws as they ſhould think neceſſary for the ſecurity and welfare of the People; if it ſhould happen that Poſterity ſhould be convinced, by antiquarians, that the duke of York had a better title than the duke of Lancaſter, or the contrary: that Richard the Third was an uſurper; or if he were not, that Henry the Seventh was: that, to go earlier back, the ſecond or the fourth Henry ſtood upon ground that might not be able to reſiſt the preſſure of a ſevere diſcuſſion: that Edward the Third had the moſt ſhocking objections to be oppoſed to his acceſſion: or again, in later times, that of the ſiſters Mary and Elizabeth, the Principles of ſucceſſion, if tenable as to one, muſt fail as to the other; and that of choice, with regard to Mary, would have hiſtorical objections to its clearneſs, not eaſy

to be ſurmounted. Where I ſee the approbation, or voluntary acquieſcence of the People, I ſee law; although there may be anomalies affecting parts of the legiſlature: and on any other principle, I ſhould doubt whether we had an exiſting ſtatute which could be called a law: at leaſt ſince the *ſeptennial* act; or much farther back, the act of disfranchiſement, in the 8th of Henry VI. But for the rule which ſupports laws, until the public ſuffrage of the nation declares their invalidity notwithſtanding defects in ſome of the branches of the legiſlature, it is unneceſſary to quote *Coke*, *Hale*, *Foſter*, *Blackſtone*, and *Barrington*. The rule proves itſelf by its utility and neceſſity.

It ſhould ſeem, from another paſſage in Mr. BURKE, that not one of the three branches of the legiſlature could be conſtitutionally annulled, by its own conſent, and that of the other two, founded on the moſt expreſs and general declaration of the public will for the change:—they have then each a ſeveral, abſolute, indefeaſible right in the moſt perfect ſenſe: and, by the ſame reaſon, two or one would have had the ſame right, if no more had exiſted; and they could not, I preſume,

ſume, have conſented to the creation of a co-ordinate power, any more than to the extinction of their own. To this, ſtrict and neceſſary analogy ſeems to carry Mr. BURKE: if ſo, it may ſhake his faith hereafter as to the legitimate exiſtence of an Houſe of Commons. It will not ſhake mine: I know that the creation of new, or extinction of actual legiſlative powers, is neceſſarily and clearly beyond the limits of the ordinary legiſlature: but to ſay THE NATION * cannot proceed thus far without exceeding the bounds of moral competence; without breach of reaſon, faith, juſtice, and fixed policy, appears nothing leſs than ſaying, that it is morally incompetent to any People to have a better conſtitution than that which, on their firſt forming themſelves into civil ſociety, happened to be adopted.

I feel very different emotions from thoſe of pleaſure in being obliged to diſſent from Mr. BURKE; but I find another point which compels me to expreſs my diſſent: his denial of the *reſponſibility* of the *King* to the Public.

I know that Mr. BURKE may find a ſtatute in which that reſponſibility is denied: de-

* Page 27.

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nied not only of a repreſentative Public, in the ordinary ſtate of the conſtitution, but of the People, in any the moſt extraordinary and fulleſt expreſſion of their will. He may find (or rather he has found, in both inſtances) the ſame denial, in a triumphant ſpeech * from a tribunal of juſtice, when the Monarchy ſat in judgment on its late Victors. He will certainly, I apprehend, not hear, from any Society or individual, any mention made or intimation given, of a repreſentative Public, to which in the ſettled ſtate of the conſtitution, the King is reſponſible: but if the Houſe of Lords ſhould arrogate to itſelf excluſively the powers of both, or either of the other branches; if the Houſe of Commons ſhould declare its pleaſure to ſit till it ſhould diſſolve itſelf, that Houſe of Lords, and that Houſe of Commons, would be reſponſible in right; and I truſt the ſpirit of the Nation would reduce that reſponſibility to fact. Nothing can be more clearly in the Houſe of Lords than the judicial power: and it would be impoſſible for both or either of the co-ordinate Powers of the conſtitution to interfere coercively, by

* By Sir Orlando Bridgeman, on the Trial of the Regicides.

way

way of ſentence, in caſe of miſapplication or non-uſe of that power. Yet in this right, which it poſſeſſes in a peculiar and undoubted manner, it is unqueſtionably reſponſible to the Nation: and has certainly no other political reſponſibility in a ſtrict and direct ſenſe.

The conſtitutional doctrine is certainly that the King is not criminally reſponſible to the ordinary legiſlature;—nor any of its branches, to either or both the other. And the Conſtitution provides expreſsly for that reſponſibility alone, which can be incurred while it exiſts unſubverted. While it does thus exiſt, none of its ſeparate powers can ſo act as to be amenable to the others. But which ever branch, by aſſuming an exorbitant authority, deſtroys the conſtitutional *equilibrium*, deprives itſelf of its immunities as a part of the Conſtitution, and becomes neceſſarily reſponſible to the judgment of the Community, by whoſe ſole arbitrement ſuch infraction can be remedied.

A King, or Governors of any deſignation, irreſponſible to the community in caſes which exclude all other means of redreſs, would be as monſtrous an incongruity, compared with the univerſal principles and neceſſary end of govern-

government, as a King, in the ordinary ſtate of the *Britiſh* government, reſponſible for meaſures, which, in ſuch ſtate, muſt always have been reſolved and executed by miniſters in their known departments: who have a direct reſponſibility; in ſome caſes, to the ſubordinate courts of juſtice, and in all to Parliament. Mr. BURKE admits, that war may be juſtifiable by neceſſity againſt a King*: that puniſhment may be juſtified, if inflicted "with a regard to dignity," and the decorous gravity of national juſtice: for that "the puniſhment of tyrants is a noble and "awful act, and has, with truth, been ſaid "to be conſolatory of the human mind." It would, after this, appear ſufficient to remark, that the only reſponſibility of which, at this day, any man can expect to hear, is, that which Mr. BURKE has expreſsly, and with becoming ardour, recognized. But this conceſſion ſeems not long retained with conſiſtency.

For if Mr. BURKE† has learnt that all perſons are individually and *collectively* under the King, he has learnt more than can be well reconciled to any caſe or form of

* Page 123. † Page 41.

reſpon-

reſponſibility: he has learnt more from the law than *Bracton* found in it: whoſe King, greater than the parts, is inferior to the aggregate: *ſingulis major; univerſis minor.* He has learnt more than the moſt eminent, and not ambitiouſly popular, of our modern Lawyers, who quote with approbation this aphoriſm of *Bracton.*

If Mr. BURKE, after his experience in courts and ſenates, and the beſt ſocieties (they are called the beſt) at home and abroad, remains perſuaded, that words are ſtrictly repreſentative, and clearly diſcriminative, of powers, it may be too much to queſtion the ſenſe annexed to the ſtyle by which our Law ſpeaks of the king, "*our ſovereign Lord.*"

Otherwiſe it might be ſaid, with apparent probability, that it only denoted his pre-eminence as the firſt *executive* over the ſubordinate magiſtracies: and not a proper political ſovereignty, ſuch as derivatively is aſcribed to the *Legiſlature*, figuratively to the *Conſtitution*, properly and abſolutely to the *People.* But if it would not bear a meaning correſpondent to the principles of conſtitutional freedom, it would be preferable to endure, or to diſuſe, a complimental ſoleciſm, rather than to permit a form

a form of expreſſion to be an inſtrument of infringing or obſcuring public and ſubſtantial Rights. And Mr. BURKE *, ſenſible of the facility with which titles of the loweſt ſubmiſſion may veil the invidious glare of the proudeſt domination, might as commodiouſly be reconciled to the poſſibility of pompous titles accompanying a limited and moderate authority.

There is much and elegant declamation on hereditary privileges in the Crown, the Lords, and the Commons: a conſtitutional inheritance in rights and liberties, illuſtrating the dignity of the People. And where Antiquity has been attended with uniform examples of Wiſdom and Virtue, it reflects a luſtre on thoſe bodies which are thus diſtinguiſhed. How far the Wiſdom and Virtue of our two Houſes, how far the conduct even of the Nation itſelf has maintained inviolate this inheritance of glory, I would not digreſs ſo far as to ſtate on this occaſion. But whatever privileges, whatever glory, are inheritable from civil inſtitution, the rights of men, the honour of intellectual and moral agents, the illuſtrious rank of men determined to be

* Page 40-41.

free,

free, is of date far higher, and of origin tranſcendantly more venerable. It is an inheritance coeval with the commencement of humanity; its enſigns are the countenance impreſſed with the divine character of Reaſon; its gallery the extent of the habitable earth; its monuments, the unperiſhable memory of the wiſeſt, beſt, and braveſt of the ſpecies of every age and country; its evidence, the voice of Nature; its title, our equal relation to the Deity: from whom we derive in common, the powers, the obligations, and the correſpondent Rights of man; Reaſon, Conſcience, and Freedom.

But I muſt return to Mr. BURKE: leſt, miſguided by a ſplendid example, of which it is more eaſy to imitate the errors than the excellencies, I ſhould loſe in the proſpects which tranſport the mind out of itſelf, the ſubject which the leſs enraptured Reader is more deſirous to ſee purſued.—I think, therefore, that from reaſon it is clear, and the wiſe and neceſſary example of our anceſtors has repeatedly illuſtrated that propoſition to us, that it is competent for the People to change the Conſtitution: and that a change was neceſſary for THE PEOPLE OF FRANCE

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I do not think is a point of controverſy to be diſcuſſed in form. Mr. BURKE, indeed, ſeems, by a kind of negative induction, to exclude its neceſſity: that it was not neceſſary to the miniſters of the crown, to the dignified clergy, to the few powerful and opulent of the nobleſſe. But negative induction to conclude any thing muſt be complete: and the immenſe majority of the People is not comprized in theſe claſſes: to THE PEOPLE it might be neceſſary for the very reaſon which would cauſe it to appear to many in theſe claſſes the moſt undeſirable of political events.

If, with Mr. BURKE, the claims of title, of anceſtry, and even of opulence, are high, the unplumed two-legged thing *, mere unſophiſticated man, muſt be content with a very moderate eſtimation. To be allowed the choice of thoſe, by whom his actions in Society are to be regulated, on whom the enjoyment of his property, his life, his liberty, and his reputation, muſt depend in almoſt innumerable reſpects, ſeems a decent and a neceſſary claim. To form, without apprehenſion of civil in-

* P. 329.

convenience, and to profeſs, without loſs of civil privileges, thoſe Opinions which are beyond the ſphere of his civil duty, may ſeem another innocent and indiſputable claim. But Mr. BURKE enquires, with all the tranquillity of an unconcerned Speculatiſt *, when was it heard that in *Great Britain* any Province ſuffered from the inequality of repreſentation; any Diſtrict from having no repreſentation at all?—Yet Diſtricts, it was thought by Mr. BURKE, might ſuffer for want of repreſentation: or, in vain he inſiſted on the wiſdom and equity of admitting thoſe to be repreſented, which ſucceſſively became objects of taxation; and in vain applied the principles and facts to the *American* claim: and where the abſolute privation is an evil, groſs inequality can hardly be indifferent. I do not captiouſly oppoſe Mr. BURKE to himſelf: if I had meant no more than this, other opportunities were not wanting: but I mean to appeal to his ſteady recollection of right principles. The energy of Genius has a conſtancy as well as force; and if he will reflect on the moſt honourable moments of his public life,

* P. 276.

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(and they were days and moments to be preferred to an immortality of falſe praiſe) can it be poſſible he ſhould continue to ſpeak of the inequality of our Repreſentation * as the inſignificant topic of "*a fooliſh complaint?*" And to aſſert, of our preſent Repreſentation †, that it has been found perfectly adequate to all the purpoſes for which a Repreſentation of the People can be deſired or deviſed.

And of *Toleration*, the clear view of philoſophy and liberal policy, might have ſuggeſted, to a mind which ranges nature for relations and analogies, and has ſeen deep and wide into the principles of Government, and the intereſts of Communities, ſome firmer and more comprehenſive idea, than that of favour in the ſhape of preference on the one hand, and negative indulgence ‡ on the other. If I diſfavour a religious opinion, I have my reaſons, or merely prejudice: If my reaſons, I produce them; ſuppoſing that the queſtion appears to me ſufficiently important; but I ought not to exclude, by diſqualifying laws, a perſon who may be equal to any civil duty by his abilities and integrity, on the ground of

6. † Ibid. 83. ‡ Ibid. 222-3.

his differing from me on a ſubject wholly of another nature. If the Term, Toleration, be too narrow for the rights which conſcience, humanity, and the public intereſt requires us to recognize, let it be ennobled by giving it the moſt ample ſenſe; or if found incapable, as indeed it ſeems, of a juſt and adequate import, let it ſink into oblivion, and religious Freedom ſupply its place in our language, and in our practice.

More is ſaid than, in this age, an ingenuous and enlightened mind might have been expected to utter, on the degrading ignorance attendant on certain occupations: and an apocryphal Writer of the Jews in their captivity is introduced, with no ſmall degree of ceremony, to prove, that in thoſe times, and in that ſtate of the *Jewiſh* * People, or of their imperious maſters, men of ſo humble pretenſions, as thoſe of uſeful induſtry, were not thought qualified for public counſel. Yet it might not be impoſſible to find gentlemen of great landed property, and with all the external means of information, whoſe habits and employments, whoſe turn of thought and

* P. 73.

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diſpoſition, are far leſs favourable to knowledge, love of the public, and ſtrenuous perſeverance in the path of duty. The diffuſion of great and leading truths, the opportunities of improvement, in the humbleſt ſtation, have neceſſarily diminiſhed much of this unhappy diſadvantage: it ſhould be the effort of philanthropy and of public wiſdom, inſtead of contemplating thoſe incidental and dubious diſadvantages as a permanent barrier, ſeparating the uſeful from the honoured claſſes in the Community, to ſoften all harſh and debaſing prejudices, all injurious impediments, to expand the gates and enlarge the avenues to the Temple of Honour and of public Counſel, and to encourage the probability of not loſing, by excluſive attentions to the mere *preſumptions* of merit, one ſpark, whereſoever latent, of animating virtue, beneficial by its direct energy, and more abundantly beneficial by the example thus circumſtanced.

But partial admiſſibility to civil truſt, partial ſhare in the rights of repreſentation, partial allowance of the exerciſe of religious freedom, ſeem all with Mr. BURKE to ſolve themſelves into legitimate and eaſy reſults of a ſuppoſed ſurrender of the rights of the

individual to the diſpoſal of ſociety, and of ſociety to the diſpoſal of the government it has been pleaſed to conſtitute.

A ſurrender in truſt of the whole *, even of factitious property, to preſerve a part, is a compact ſo unequal as rarely to be neceſſary; but a ſurrender of primary independent rights, to preſerve ſecondary and adventitious rights, the whole of natural liberty for a precarious portion of civil, is an imaginary compact ſo replete with more than paradox, ſo incompatible with every idea of reaſon and juſtice, that the wildeſt imagination never created ſuch a chimera: if it were a novel thought, its ſtrangeneſs might be ſuppoſed a ſacrifice of reaſon to the ſeductions of the marvellous: but after the arguments repeatedly adduced, to prove it deſtitute of all poſſible foundation, I quit it without reluctance, for the plain opinion which has nothing in it to ſurprize, that man, by uniting himſelf to civil ſociety, reſigns no rights but ſuch as are inconſiſtent with the end of ſuch ſociety. He remains judge in his own cauſe in all thoſe inſtances, and they are many and of prime importance, in

* P. 88.

which

which it is impoſſible Society ſhould judge for him. He remains with his full right of ſelf-defence; ſuſpending only the exerciſe where he is more effectually defended by Society. He remains his own governor, by the right he has to ſhare in the formation of thoſe laws which are to govern the Community, of which he is a part; he retains his right of determining what is juſt, univerſally in opinion, and in many caſes, in practice, where the law cannot interfere; and where he ſubmits to deciſions which he thinks otherwiſe than juſt, it is in conformity to two principles, independent of any poſitive ſanction, that it is juſt to ſuffer a particular inconvenience, rather than to refer every thing to private intereſted opinion; that it is juſt, having ſubmitted to make Society the arbiter of differences, (without which ſubmiſſion, Society could not exiſt) to acquieſce in the deciſions which Society ſhall make.

The diſtinction does not reſt in theory: for if there are *natural* Riglits which do not enter into the depoſit, as being out of the competence of Society, theſe Rights, clearly aſcertainable by their characteriſtic differences, can, by no colour of claim, be brought under

the authority of municipal law: and, indeed, thoſe which are held in truſt, (the ſuſpenſion of the ordinary exerciſe of them by the individual being neceſſary for the peace and order of the Community,) may be rather ſaid to be held by the Government, in truſt for the Society and the individual, than directly by the Society at large. If, therefore, any part of the Government tranſgreſſes, or neglects this truſt, the delinquency muſt be examined before the appropriated judicial authority. And this is the moſt diſtinct idea, which occurs to my apprehenſion, of the nature of the implied compact, between the individual and Society; of the tacit reſervation of Rights not within the cognizance, or not within the ſcope of Society; and of the manner in which thoſe Rights, which are depoſited in truſt, may be conſidered to be veſted, ſo as to ſecure the neceſſary reſponſibility, if that truſt be violated. Adding only, that if it be violated by thoſe who repreſent the power and will of the Society itſelf, the redreſs can only be by the extraordinary and collective interpoſition of the Community as ſuch.

From ſuppoſing a ſurrender of the whole Rights of the individual to Society, Mr.

BURKE ſeems to paſs to a ſuppoſition equally ill founded, and if poſſible, a more harſh idea, aſſuredly more obnoxious to frequent miſchief in the practice, a ſurrender of the whole Rights of Society to certain governing individuals. The firſt ſurrender was preſumed neceſſary, to prevent the paſſions of the individual from breaking the order of Society, (though that prevention, ſo far as it is practicable, is beſt ſecured by ſuppoſing him to have ſurrendered no Rights, but thoſe which he cannot exerciſe without diſturbance to Society.) The ſecond, is preſumed neceſſary to prevent the will and paſſions of the Society from acting irregularly and detrimentally; and this, it is ſaid, is only to be done by "a "power *out of themſelves**, and not, in the ex- "erciſe of its functions, ſubject to that will, "and to thoſe paſſions, which it is its office "to bridle and ſubdue." But as this power, extrinſic to the maſs, is an human power, artificially and conventionally alone ſeparated from the Society of which it was an indiſtinguiſhable part, previous to its appointment, if it has ſtrength committed to it to bridle

* P. 89.

and

and ſubdue the whole, by what ſhall itſelf be ſubjected to reſtraint; and do not all partial intereſts and paſſions, incompatible with general good, act with greateſt and moſt permanent force in the production of evil, when ſmall and inſulated maſſes are expoſed to their influence? There is in the general aggregate, a common ſympathy, a temperament of partial intereſts and prejudices, which is not to be expected from detached claſſes, actuated by the *Eſprit de Corps*, and ſurrounded with temporary and local objects, often more relative to their particular ſituation than to the general welfare.

It ſeems, therefore, that it is not by ſetting as a Guardian and controller over the Public Will, the Will of a detached Body, that the tranquillity and welfare of the Community will be beſt promoted; but rather by miniſtering the feweſt incitements to partial intereſts, ſuch as delegation of Power not fully and freely flowing from the general ſource, but derived from a partial channel, of the qualities of which it will partake; ſuch, again, as long continuance of power in the ſame hands; political privileges to particular claſſes, not eſſentially promotive of general benefit;

benefit; liability to deciſions on ſudden and occaſional inducements of eloquence or cabal, to be immediately executed, without deliberative reſtraint, by the interpoſal of a diſtinct body, not likely to be impreſſed at the ſame time, by the ſame partial influences directed to the ſame point; excluſion of any part of the Community from the common intereſts, and from admiſſibility to the common functions, without crime; eſtabliſhment of a military body, or of any order which by wealth, or direct power, or influence on the public opinion, can affect the general operations of Society, detached and contradiſtinguiſhed from the general intereſts; inſtead of leaving the defence, the inſtruction, and the honorary diſtinctions of the State, to circulate as freely as circumſtances can admit, according to the natural or acquired powers of its members. But as in every flouriſhing and long ſubſiſting Society, continued proſperity and eminent deſert, in certain families, will always tend to ſomething of ariſtocratical intereſt; accumulation of wealth, by commerce or manufacture, in others, in a remarkable degree, to an Oligarchy, and theſe will require to be controlled by the equal virtue and ſocial ſpirit of a De-

a Democracy, which alſo requires to have its tendency to unadviſed determination, balanced by the gravity and prudence of the other deſcriptions; theſe powers and principles kept in their due diſtinctneſs, and the preponderancy preſerved to the more general intereſts, without hazarding the ſecurity of the others, give the elements and form of a Conſtitution, which unites the largeſt portion of ſtability, efficiency, private ſecurity, and public freedom. It is manifeſt it will partake more largely of the democratic than of any other character, as the popular intereſts are, both in extent and importance, of the chief conſideration; though every intereſt which can have place in a free ſtate, without prejudice to its freedom, ought to be ſufficiently protected. This is the only notion I have of juſtifiable, or ſafe and permanently effectual means to bridle and ſubdue all partial intereſts, ſo as to prevent any irregular will from obtaining an aſcendance to the detriment of Society. And it is only by ſuch aſcendance, that the will of the general maſs, diſintereſted, pure, generous, and tranquil, of itſelf, becomes intereſted, corrupt, ſelfiſh, turbulent, deſtructive.

The

The Simplicity which comports with the idea of a ſyſtem, (and all political Government is a ſyſtem) conſiſts in its being exempt from unneceſſary, diſconnected, unduly united, or diſproportioned parts.

This Simplicity, therefore, is not characterized by fewneſs of parts, but by Harmony and Freedom, and Energy of Operation, and by giving the leaſt impediment to natural Right; for, to adopt the compariſon * of Mr. Burke, all unneceſſary complexity operates as a denſe and unequal medium of refraction on the rays of light; but the more and more unequally refracted, the more diſſipated their force, and the leſs true their repreſentation: the fewer principles of natural right, therefore, are applicable to a government, the more unequal the condition of men in it, the worſe is that government: and to praiſe it for its refined complexity, on account of the difficulty of applying general truth to it, is like praiſing a teleſcope for having ſuperfluous lenſes, ſerving only to obſcure and confound the object.

From his principles of general Government, in thoſe points which he regards as contain-

* P. 91.

ing

ing the great outlines of a Conſtitution, Mr. BURKE proceeds to thoſe incidental obſtacles from prejudice and habit, to which a wiſe legiſlature is to apply its attention. And I own that I do think with him, that there are occaſions where it is the beſt prudence to be tender, even to an apparent extreme, in the treatment of cuſtoms which have blended themſelves with the opinions, the habits, the earlieſt and the lateſt views of a People. Light is to be offered: but in vain will it be forced upon them. And I do not ſee how even the greater part of a Community * can compel, without injuſtice and an uneſtimated infliction of ſuffering, a claſs of human beings, taught to form their views, their ſentiments of obligation, their habits of thought and action, their hopes of comfort, and all the aſſociations which conſtitute the character and diſpoſition, upon a ſcale remote from the general uſage of life, to quit their ſolitude, and be caſt, unprepared, unconnected on the World. I do not ſee how, on the other hand, a religious order which the people has long beheld under certain circumſtances, can ſud-

* Page 231.

denly

denly and compulſively be placed in different and contrary circumſtances, without great and unmerited diſtreſs to many individuals, and without eſſential diſadvantage to the ſtate, which always ſuffers by a diminution of confidence when antient privileges and advantages are ſeized from their poſſeſſors, without fair and full proof of their delinquency, or of the utter incompatibility of even the temporary continuance of the inſtitutions on which they are founded, with the public ſecurity and freedom. A good and wiſe Government would certainly never attempt to create and nouriſh prejudices for the ſake of governing by them: happily *, indeed, on the whole, it is true of prejudices, that they muſt be *found*, they cannot be created to ſerve an occaſion: but thoſe which it finds it would treat as Nature, in her general œconomy, does the miſts and vapours, ſo often the harbingers of a mild, ſplendid, and genial day. If ſuddenly precipitated, you have a chill and comfortleſs, if haſtily driven by impetuous winds, a tempeſtuous, if not deſtructive day: but if gradually ſubſiding, as they generally do, as

* Page 233.

the

the influence of the Sun advances from the dawn to the perfect day, they melt kindly and inſenſibly into the untroubled ſky; all is tranquillity, and progreſſive illumination. I think with Mr. BURKE, that prejudices are generally ſo relative to the ſtate of a People, ſo incorporated with right ſentiments and aſſimilated to the beſt affections, ſo attached to the heart, and ſo ſlowly corrected by the underſtanding, that an attempt at once to expel them would not accelerate, but retard perfection; not introduce Order, but be the too readily obeyed ſignal of Confuſion.

I ſhould therefore be no friend to any forcible means which ſhould ſecularize the monaſtic orders of a State, or in a manner diſſecularize the others: ſhould trample on the ſolemn ornaments of the Churches, or infringe the ſtillneſs of the Cloyſter. To me, and to many, Religion is in her proper garb when ſimple and unadorned: but if the cuſtom of others has been to preſent her to their imaginations in habits which to their idea are more ſuited to her native dignity, the end of both may be ſtill the ſame: the habitual veneration of the Deity, the diſpoſitions of Purity and Benevolence may be forming

equally

equally under different means adapted to our different tempers and early uſe. If we both are left at liberty to purſue our reſpective modes of expreſſing our common Duty, without loſs of civil or ſocial eſtimation, all is right. But of thoſe in *monaſtic* orders I underſtand, that they have the *option* given, not the neceſſity impoſed, of quitting their Cell.

Of the Prejudices even of *Chivalry*, a Term now of Ridicule and of the laſt Contempt, Mr. BURKE regrets the Loſs. I ſhall not conceal that to no inconſiderable degree I can ſhare in this Regret: and could almoſt entreat ſo much from the indulgence of Reaſon and Philoſophy as pardon for a wiſh that thoſe ſplendid and engaging Viſions might have been permitted a longer ſtay. But they *are* gone: and Eaſe, Opulence and Luxury have ſubſtituted other Prejudices of leſs noble aſpect, of leſs pure and benign influence, leſs friendly by far to intrepid, generous, and perſevering Virtue. I agree too, that the Reſpect, the delicate, the virtuouſly refined and dignified Attention to the Sex, the enthuſiaſtic Admiration, and Conſtancy of Eſteem, and, animated by theſe, the glorious Ardour of noble Enterprize, of approving

themſelves by Fortitude and Virtue, by Humanity and Beneficence, by every graceful, every generous, every eſtimable Quality, inſeparable from Men who felt in its full power the attractive Dignity of female Excellence;—Men whoſe paſſions were chaſtized and exalted by the purity of their object, and in whom the moſt tranſporting of Affections added energy to the ſublimeſt Sentiments;—that theſe giving way to vague, and light, and temporary, and debaſing Regards, to a frivolous and inſulting Gallantry, to a diſſipated and licentious ſyſtem of habits, opinions and converſation, that this is an exchange injurious to Society indeed; both in thoſe ſentiments it has relinquiſhed and thoſe it has adopted: both in domeſtic manners and happineſs, and in public Virtue. It is to the acknowledged importance and correſpondent influence of the Sex in Society, that we muſt owe the Regulation of our Tempers and Conduct, the earlieſt, and in the progreſs of life, the moſt perſuaſive Motives to the improvement of our Minds; and which is of the firſt importance, the cultivation of the Heart. As Siſters, as the objects of a tender, animated, delicate Attachment, as Wives,

as Mothers,—our complacency and ſatisfaction in ourſelves will be proportioned to the view in which we conſider them. And where all is Peace and Concord, reciprocal Reſpect and Eſteem, in Families, in conſequence of the general Habits and Opinion being favorable to the proper Perfection of the female Character, it would be idle to enquire whether a People, compoſed of the union of ſuch Families, could be other than free, virtuous, and happy. But Mr. BURKE recollects, that it is not in modern Courts the ſpirit of Chivalry could be expected to revive, or to exiſt: —Manners formed under Governments approaching to the Republican would reſtore to us:—not its Pomp indeed, but its true Value: its Simplicity, its Purity, and Elevation. And accordingly I underſtand there is more of this Spirit in America than in any part of the Globe, and its effects were ſenſible during the conteſt. In leaving this ſubject I ſhall moſt cordially acknowledge, that I can repreſent to myſelf no Image of Virtue which ſo vividly and perſuaſively can impreſs the Mind, as the Idea of a truly amiable Woman. Nothing which exalts the Thought by a more immediate Analogy to the contemplation of

celeſtial Purity and Goodneſs. But with the Ideas inſpired by this Viſion, I cannot blend any of a more uncertain Texture. Mr. BURKE, indeed, has preſented to the eye a Form characterized by ſuch melancholy Dignity and graceful Elevation, as perfectly harmonizes with the ſtriking ſcene. Such a Form the Muſe of Taſſo, Spenſer, and Milton, would have preſented to their enraptured view: for ſuch a Form our Surrey, Douglas, Devereux, and Percy, the Henries, the Condé's, the Montmorencis, would have blazed in the Tournament, and courted Death in the Field. The Intereſt is heightened by contraſting it with another Portrait of the Goddeſs of his Idolatry, ſuch as ſhe appeared in a different ſtate of France, and of her own proſpects:— touched with an eaſe and lightneſs, a ſoftneſs and amenity indeſcribable. And again availing himſelf of the effect of ſuch a delineation, he ſtrikes us with whatever is moſt forcible of Terror and Pity. Againſt a Form ſo ſublime, ſo intereſting, ſo enchanting, we view, with horror and conſternation, the Poignard of Deſpair, drawn from that Boſom which has engaged our tendereſt and moſt reſpectful ſympathy. But I am not addreſſing myſelf

Marie Antoinette

myſelf to the Paſſions: and I dare not truſt myſelf at preſent with another view of ſuch a Repreſentation.

*Non hoc iſtâ ſibi tempus ſpectacula poſcit.—*

Of the *Queen* of *France* I think ſilence the beſt Tribute of Reſpect which I can pay to her Sex and ſituation. Neither her Champion nor her Panegyriſt, if I cannot leſſen her ſufferings, I ſhall not encreaſe or create Danger. I ſhall not, by an incautious Praiſe, (I may be forgiven if I term it ſo) hazard the urging of an agitated ſpirit to an Act of Deſperation. From a gallant and generous People, who, in the higheſt Ferment of a ſudden and unexampled Revolution, in the midſt of Danger and Suſpicion, of enthuſiaſtic Zeal, and the Tumult of inſtantaneouſly excited Myriads, retained their ſenſibility, I ſhall not believe ſhe has any inſult to fear: or that ſhe can be a Victim to popular Emotion: unleſs in a Conflict, which there is every Motive from her Situation, that of her Huſband, her Children, and of the People, never to provoke;—a Conflict between the Monarchy, and the Rights and Liberties of the Nation. But before we quit the advantages derived from the ſtriking Pageants of *Chivalry*, let us do

ſome Juſtice to a Spectacle which general *Liberty* alone could exhibit: and which Mr. BURKE, his Taſte and Feelings triumphing over his Prepoſſeſſions, cannot contemplate without complacency. A Spectacle which neither the *Olympic* Celebrities, nor the Mead which witneſſed the ſigning of the GREAT CHARTER, nor the vaſt Plains of *America*, overſpread with the peaceful Banners of triumphant Freedom, can excel by their united Impreſſion. A Scene more affecting, animated, ſublime, our Earth, while its preſent Syſtem continues, never can exhibit:—that of *five hundred thouſand* of our ſpecies, aſſembled in perfect Order, Amity and Joy, to hail the Riſe and confirm the Perpetuity of their Happineſs *.

I own, as to another Prejudice, never advantageous to Society, that of *Atheiſm*, I have no fear, if a Conſtitution of Freedom and Permanency ſettles itſelf in France. Atheiſm can hardly exiſt: much leſs ſpread itſelf, and obtain an influence in a Society where there are Manners, Science, and Liberty. But it is not well to group Atheiſts, and thoſe who are called Infidels, indiſcriminately. It is not

* See *Miſs* WILLIAMS's *2d Letter*.

well

well to claſs all who are called Infidels together. I miſtake, if one of thoſe in Mr. BURKE's liſt, except *Bolingbroke*, denied the moral Attributes of the Deity. I miſtake, if ſome of them are not ſtill read, not only by Infidels but by rational and ſincere Chriſtians. I much miſtake if there is in them, (even take the leaſt conſiderable, or the leaſt ingenuous in the Liſt) nothing which deſerves reading; or any thing in the ableſt, which ſhould excite panic apprehenſions. In ENGLAND *, Mr. BURKE does not ſeem to dread them: FRANCE too can think, and can decide for herſelf †.

I ſay nothing of an Image, which claſſic Taſte, the Politeneſs of the Gentleman ‡, and the Mildneſs and Philanthropy of the *Chriſtian* could not have admitted but in the ſudden effervescence of an agitated Fancy:—nothing of the Alembic; nothing of the delirium; nothing of its ſhameful effects, or of any of that portentous imagery which riſes in the affrighted imagination of this diſtinguiſhed Orator. I ſee no more probability of our throwing off the *Chriſtian Religion* than of our throwing off

* Page 133. † Dr. Towers, p. 112, 113.

‡ Burke, p. 135.

Laws, Manners, Arts, and Science, and hurrying ourſelves in diſtracted herds, in one general paroxyſm of phrenzy, to the beaſts of the wilderneſs, or the monſters of the deep. Much foreign commixture may long continue to blend its baſe alloy with the Doctrines, to detract from the Evidence, to obſtruct the Reception of Chriſtianity, and impair its Efficacy. But there is a Point in the progreſs of Society, and I think that Point has been long reached, which will not admit the poſſibility of a relapſe into total infidelity, irreligion, and barbariſm. I cannot, therefore, believe, that the new eccleſiaſtical Eſtabliſhment in *France* * is introductory in deſign, or that any could be ſo in *effect*, to the abolition of the *Chriſtian* Religion in all its forms. Still, highly as I think of Religion, and convinced as I am †, that "*all perſons poſſeſſing* "*any portion of power, ought to be ſtrongly and* "*awfully impreſſed with an idea, that they act* "*in truſt, and that they are to account for* "*their conduct in that truſt to the one great* "*Maſter, Author, and Founder of Society,*" I would wiſh their attention not to loſe ſight of that temporal Account which ſubordinate

* Page 219. † Ibid. 138.

Gover-

Governors owe to the Legiſlature, and the Legiſlature to the People. And much as I reſpect our political Conſtitution, I by no means entertain ſuch an idea of its perfection as to be convinced, that "*an eſtabliſhed Church*, "*an eſtabliſhed Monarchy*, *Ariſtocracy*, *and* "*Democracy*, *each in the degree it exiſts* *," comprizes all that we ought to wiſh. Nor am induced to think it the misfortune of this age, that every thing reſpecting our Conſtitution is diſcuſſed. If every thing is right and ſecure, we ſhall enjoy it the more, from the rational confidence attendant on the reſult of inveſtigation; if any thing is defective or unſtable, we ſhall the better apply the remedy. A Conſtitution, which in this day could be overſet or endangered by diſcuſſion †, would not merit ſolicitude.

From theſe general Diſquiſitions which concern the Principles of Government, and have frequent reference to our own, I proceed to ſay a little on that part of Mr. BURKE's Letter, which concerns the meaſures relative to the NEW CONSTITUTION of FRANCE: in order to judge, in ſome degree, how far the means purſued, the principles adopted,

* Page 135-136. † Ibid. 136.

the

the ſyſtem introduced, have compenſated for the actual or probable conſequences of the conflict between public and partial intereſts.

I ſhall not attempt to aſcertain the degree of Accuracy in his ſketch of the NATIONAL ASSEMBLY. I ſuſpect it muſt be conſiderably *caricatured*;—not intentionally, but under the unperceived bias of prepoſſeſſions. I ſuſpect it, from their Popularity for ſo many and ſuch trying months; their ſtability againſt the Ariſtocratic Party; their diſintereſtedneſs and fortitude, manifeſted, I think, in ſeveral important inſtances. I ſhall not attempt to diſcuſs the Queſtion of their Finance. I ſhall only ſay, that in all great Changes the ſettlement of Finance muſt owe much to time, as well as to diligence, induſtry, and integrity. It was ſo in America. And a Gentleman has informed me, that in 1696, the Notes of the BANK of ENGLAND were ſo far from having eſtabliſhed their Credit, that they paſſed at a *Diſcount*. The Anſwer of *Themiſtocles* has a pertinence to this ſubject, when conſulted by a man who wiſhed his opinion concerning propoſals of Marriage to his Daughter. *Better a Man of Merit without Money, than of Money without Merit.* A good

good Conſtitution will find Finance: but Finance will not find, or ſupply the want of a Conſtitution.

There are many other Points of a ſubordinate Nature, and of local conſideration, which I leave to the Friends of Liberty in that Country: as I do the more full and circumſtantiated explanation of the State of FRANCE, previous to the REVOLUTION, their Conduct at the time, and the preſent State of the People and Government.

I ſhall obſerve, briefly, on ſome particulars reſpecting the CONSTITUTION, which has been formed by the NATIONAL ASSEMBLY, and which ſtruck me as the events were made known, before I could be apprized of their effect on the mind of any other perſon.

Though I acknowledge that the *Revolution* itſelf was beſt conducted, and perhaps could only have been accompliſhed by a *ſingle Aſſembly*, I thought, and the opinion continues, that for a permanent Form of Government, a *Senate* would have been highly expedient as a check on precipitate deciſions, temporary influences of faction, and the miſchief of more fixed Cabals, derived from a conformity of partial Intereſts. A leaven of this

this kind in a ſingle legiſlative Aſſembly, is in danger of acting ſecretly until it corrupt the maſs, before the danger has excited any competent degree of alarm. Mr. BURKE, probably, does not hold the ſame views which would ſtrike me relative to the appointment and duration of this *Senate*. Hereditary, I think, it ſhould not have been: nor even for life, but for a fixed and moderate period.

I almoſt liked as little as I find Mr. BURKE does the circuitous Mode of the Choice of Repreſentatives. To maintain the ſpirit, and to anſwer the deſign of Election, the relation, I think, ought to be immediate between the Conſtituent and the Elector. Mr. BURKE has given one of the moſt eſſential Reaſons for this ſo well, that I think it cannot be ſtated more clearly, or with greater ſtrength*. And farther, to all complexity in a political Syſtem, eſpecially in the popular part of it, if it were leſs liable to direct exception, it is ſufficient againſt it if it be unneceſſary. It will be the ſooner out of order: and the diſturbing Cauſe will be leſs eaſily traced, and the conſequent miſchiefs with more difficulty repaired.

* P. 277-279.

Yet

Security of Church property condemned



Yet this circuit is leſs than Mr. BURKE ſuppoſes. Dr. PRICE correctly ſtated it in an Appendix in the fourth edition of his Sermon. I have ſince had the account from a French Gentleman. There are Electors choſen in the primary Aſſemblies of the Citizens of each Canton, and theſe Electors when choſen convene in an Aſſembly for the Department, and chuſe the Repreſentatives of that Department to be returned to the National Aſſembly. There is therefore only *one* intermediate Body between the People and the National Aſſembly inſtead of three, as Mr. BURKE * has ſuppoſed.

I was never eaſy with the Confiſcation of the Poſſeſſions of the Church. And I think, independent of the preſent convenience, the offer of the Clergy ought either to have been accepted, or without accepting any thing in the ſhape of compromiſe, or ſeizing any thing, the National Aſſembly ſhould have exerted itſelf in the diſcovery of leſs invidious reſources. The ſecurity of property to its preſent Poſſeſſors, in the moſt trying circumſtances of a State, is itſelf a grand reſource:

* P. 259, 4th ed.

and

and would have been a Revenue worth more than all that was offered, or could be ſeized. A better diſtribution in reſpect of the Body of the Clergy, I think, does not cancel the objections to the ſeizure. The preſent Poſſeſſors, in policy, and on higher conſiderations, ought, I think, to have been undiſturbed; unleſs, fairly and fully, any of them were convicted of crime; and it was not the ſeaſon to ſeek for ſuch convictions; which, in critical junctures, have the air of proſcriptions in diſguiſe. I have no doubt the Property of the Church, like all other public Property, is ſubject to be modified by the State according to circumſtances. But I think that where the State permits and has long eſtabliſhed a fixed proviſion for a public order of men, a change in that proviſion is matter of regulation, with regard to ſucceſſors, rather than of ademption from thoſe who, without delinquency, thus hold it of the State. In this inſtance I readily teſtify the concurrence of my ſentiments with thoſe of one who has founded his celebrity as a diſtinguiſhed writer, and as one of the firſt of public ſpeakers, on no inſubſtantial baſis; but, like the juſtly admired *Roman*, on Philoſophy, Humanity,

firm and penetrating Reaſon. His ſentiments againſt the ademption of Property from the hands of preſent Poſſeſſors, cannot be expreſſed better than in his own words, at a time when the poſſeſſions of the *French Clergy*, or the paſſions and prepoſſeſſions connected with the wonderful Event which has changed the whole ſyſtem of Government in that Country, could not influence his judgment. Eleven years paſt, on preſenting the Plan of œconomical Reformation *, he thus expreſſed himſelf concerning the patent offices in the Exchequer:—"They are ſinecures—"they are always executed by deputy—the "duty of the principal is as nothing. They "differ however from the penſions on the "liſt in ſome particulars. They are held for "life. I think with the public that the "profits of theſe places are grown enor-"mous: the magnitude of thoſe profits, and "the nature of them, both call for reforma-"tion. The nature of their profits, which "grow out of the public diſtreſs, is itſelf "invidious and grievous. But I fear that "Reform cannot be immediate. I find my-

* Page 61.

"ſelf

" ſelf under a reſtriction. Theſe places, and
" others of the ſame kind, which are held
" for life, have been conſidered as property.
" They have been given as a proviſion for
" children: they have been the ſubject of
" family ſettlements: they have been the
" ſecurity of creditors. What the law re-
" ſpects ſhall be ſacred to me: if the barriers
" of law ſhould be broken down upon ideas
" of convenience, even of public conveni-
" ence, we ſhall have no longer any thing
" certain among us. If the diſcretion of
" power is once let looſe upon property,
" we can be at no loſs whoſe power and
" what diſcretion it is that will prevail at
" laſt. It would be wiſe to attend upon the
" order of things; and not to attempt to out-
" run the ſlow, but ſmooth and even, courſe
" of nature. There are occaſions, I admit,
" of public neceſſity ſo vaſt, ſo clear, ſo evi-
" dent, that they ſuperſede all laws. Law
" being only made for the benefit of the
" community, cannot in any one of its parts
" reſiſt a demand which may comprehend
" the total of the public intereſt. To be
" ſure no law can ſet itſelf up againſt the
" Cauſe and Reaſon of all law. But ſuch a
" caſe

Burke's Speeches quoted.

" caſe very rarely happens..... The mere
" time of the reform is by no means worth
" the ſacrifice of a principle of law. Indi-
" viduals paſs like ſhadows: but the Com-
" mon-wealth is fixed and ſtable. The dif-
" ference therefore of to-day and to-morrow,
" which to private people is immenſe, to the
" State is nothing."

After having made this Quotation, which ſeems to me to compriſe the ſtrength of every thing which can be advanced on the ſubject, I ſhall add no more: being far leſs enabled to judge in this inſtance of the degree and extent of that neceſſity, which alone can conſtitute an exception, than of the ſtrength, clearneſs, and equity of the general Rule, and the Obligation of adhering to it, as far as poſſible, on every principle of policy and humanity.

With the Abolition of Titles and armorial Bearings, I cannot profeſs myſelf pleaſed. They conveyed no claim to legiſlative Authority independent of choice. They have ſome reference to domeſtic ſentiments of affection, and reſpect: ſome tendency to cheriſh the remembrance of public Virtue, diſtinguiſhed in Council and in the Field. Many who poſ-

 ſeſſed

ſeſſed them, had not overlooked, in the artificial Titles to reſpect, higher objects of generous ambition; but had diſintereſtedly, and with zealous alacrity, co-operated in the cauſe of Freedom. They had levelled, to make place for her Temple, and to fix its foundations, whatever of their own could really menace its ſecurity. That many of them bore Agnominations, which dwelt in the public ear, accompanied with the animating remembrance of Courage, Wiſdom, and public Virtue, from which they had not degenerated, could be no ſuch injury to the Public, at ſuch a criſis, as to require reſorting to a meaſure ſo very ſtrong. That no advantage, abſolute or imaginary, of any individual, ſhould be wreſted from him, if he can hold it conſiſtently with the public Welfare and Freedom, is an obvious Truth, I acknowledge: but ſo are all Truths of the firſt importance: and it will not, for that reaſon, the leſs merit to be repeated. The Truths, which are ſimpleſt and the moſt general, and conſequently require the leaſt reflection, are too apt to take the ſlighteſt hold of the mind; to be ſooneſt loſt in the ferment of the paſſions, whether private or general; and to yield the moſt eaſily

to

Frequency of worth among tilled People.

to the novelty of ſpecious wonders, ſuggeſting themſelves to the ardent mind in the purſuit of improvement.

If, in this inſtance, too little regard has been paid to Prepoſſeſſions of one kind, too much ſeems to have been ſhewn in another to thoſe of a different kind. The Qualification for the exerciſe of the elective Right, in the firſt ſtage, the local value of three day's labour to the Public, is too ſmall to be any pledge of independence *: and it infringes the Principle which juſtly regards the Choice of a Repreſentative as a Right attached to the perſon of the Citizen, not to his property. This inconvenience is very ſerious: and the more, becauſe, once admitted in a new Conſtitution, it has a tendency to furniſh a Baſis for more and more reſtraints: though leſs ſo by its being eſtimated in labour, than if it had been appreciated in money.

The *Deputies* to the NATIONAL ASSEMBLY †, muſt pay in direct contribution to the value of a mark of ſilver: and none can be elected to the *Commune*, who does not pay the amount of ten day's labour. Of theſe

* Page 259. † Ibid. 258-259.

Barriers of Election and Qualification, I fear Mr. BURKE has expreſſed himſelf not more forcibly than juſtly, when he ſpeaks of them as impotent to ſecure independence: ſtrong only in deſtruction of the Rights of Men.

Without ſpeaking with ſuch warm Cenſure as Mr. BURKE, I confeſs myſelf, at leaſt, doubtful, whether a Repreſentation, formed in three equal Claſſes, on the diſtinct Baſis of Territory, Population, and Contribution, has any ſuch advantage as ſhould give it a clear preference to the ſimple proportion adjuſted by Population only.

With regard to the executive Department, whether the taking the Power, in the firſt inſtance, of Peace and War, out of the hands of the King, will be conſiſtent with the independence and purity of the legiſlative Counſels, with reſpect to foreign Powers, ought not, I apprehend, to be too haſtily decided in the negative. The drawing of the ſword, and diſpoſing of the lives of the ſubjects of the State, and of thoſe of other States, by commencing War, is, indeed, a tremendous Power to be entruſted to any individual: it is a Power, enabling the caprice or private reſentment of an individual ſo entruſted, to rob

and

and murder on an unlimited ſcale, (the terms are harſher than I would uſe, if others would expreſs the fact) in the name of the Community, and at the public riſque of territory, ſafety, and eſtimation. The ſubſequent check, by withholding of ſupplies, is found, as might be obviouſly preſumed, difficult in exerciſe, and of very doubtful effect *.

In caſe of ſudden *Invaſion* the executive Power muſt undoubtedly act on the emergency. No Law can be underſtood to derogate from this Neceſſity of the national Defence.

One remark only I ſhall make farther, which concerns the *executive:* and that relates to the judicial department. I cannot ſpeak unconcernedly of the purchaſe of an Office in the Adminiſtration of public Juſtice. *Male ſemper Res geritur quum quod Virtute effici debeat id tentatur pecuniâ.* If the perſon purchaſing is incapable, it is an Act of Corruption to admit him; if capable, the Honour of the Public, and a due Attention to the In-

* I have ſince ſeen this treated by Dr. TOWERS with his uſual Ability: and the limits marked with very ſatisfactory Preciſion.—*Thoughts on the Commencement of a New Parliament.* P. 34-7.

dividual, require him gratuitouſly to be admitted to an employ, which, without the higheſt Crime, he cannot exerciſe otherwiſe than gratuitouſly. Thus far, therefore, I think was wiſe and neceſſary. But I cannot ſee in the ſame view, the Choice of Judges elected for a ſhort Period. I apprehend, the experience and independence required in the judicial Character, militate againſt ſuch an Inſtitution. He is to interpret Laws, not to make them. There ſeems, therefore, no reaſon to diſmiſs him from his Charge; as a *Repreſentative* ſhould, at ſhort and certain periods, find himſelf obliged to return for the approbation, or rejection of his Conſtituents *. Only proof of miſconduct, or of intervening incapacity, ſhould remove from the Office *: where its functions are exerciſed not ſummarily and in petty Diſtricts, but generally, and with the intervention of Juries, with all the ſolemnity of a Public Tribunal. And whatever ſubordinate Magiſtracies may be expedient, ſuch

* The Principle is clearly and forcibly expreſſed by *M. Calonne, De L'Etat de France*, p. 308-9. At ſuch an intereſting Moment *Veritas, a quocunque dicitur, a DEO eſt:* is a Maxim worthy of regard. There is much of political ſagacity in many of his Obſervations.

Judges appear neceſſary to the Dignity, Independence, and univerſal Efficacy of Public Juſtice.

I think, therefore, Mr. BURKE † appears to be well founded alſo in objecting to the want of adequate extent in the local comprehenſion of the New Judicatures.

I have now offered whatever has occurred to me as chiefly worthy of attention in Mr. BURKE's Letter reſpecting the principles and effect of our REVOLUTION; the Conſtitutional inferences deducible from it; the leading points of popular Right; and the principal Defects, as they appear to me, in the Conſtitution which has been recently introduced in FRANCE. If in theſe, or other points, it ſhall appear to the NATIONAL ASSEMBLY, or to the People from whom they derive their powers, that the New Conſtitution requires reform, I ſee no reaſon for doubting the exerciſe of that wiſdom and magnanimity, which the adoption of the neceſſary amendments would demand and imply. But with all its apprehended defects, and I have mentioned them with a reſpectful and zealous

† P. 303, 304.

frankneſs, I think it ſignally * preferable to that Form of that Government, (if Form it might be called) in the place of which it ſtands.

Having concluded, with ſincerity I am ſure, and to the beſt of my judgment, theſe principal ſubjects of enquiry, I proceed to ſome of a more limited and private nature:— thoſe which relate to my revered Friend Dr. PRICE, and thoſe Remarks which are aimed at the two *Societies*, the *Conſtitutional*, of which I had from its commencement, and the *Revolution*, of which I have now, the honour to be a Member.

With reſpect to Dr. PRICE, what I ſhall have here to ſay, will be a teſtimony of my concern at the haſty and vehement expreſſions, (I wiſh I could ſtop there without a farther reflection which will preſent itſelf to the mind) which Mr. BURKE has uſed towards a character, animated, I am convinced, with the pureſt attachment to the intereſts of humanity; a character, of which the known candour, mildneſs, and diſintereſtedneſs, ought to have ſecured it againſt ſuch imputations, from any perſon who reſpects and loves the only genuine objects of affectionate eſteem; Virtue, and Benevolence.

* Dr. TOWERS, p. 96-9.

Dr.

Dr. PRICE, in the Preface to the Fourth Edition of his Sermon, has anſwered all that ſeemed any way eſſentially to require an anſwer: by ſhewing that the joy which he expreſſed in his diſcourſe, was not occaſioned by the tumult and outrages in *October*, 1789, but by the events of the 14th of *July*, and the ſubſequent days, when after the taking of the BASTILLE the King ſought the protection of the NATIONAL ASSEMBLY, and was conducted to PARIS by his own deſire, amidſt acclamations never before heard in FRANCE, to ſhew himſelf to his People as the reſtorer of their liberties *.

The principles and obſervations of Dr. PRICE ſtand by their own ſtrength: his own clear, energetic language, will tranſmit them to Poſterity with their juſt weight. I have already had occaſion to refer to ſeveral of them in theſe remarks.

But what I could not ſo properly allow myſelf to ſay of the living, I have now, ſooner than I apprehended, the melancholy freedom of ſaying. And this liberty is entire. It is invidious to cenſure the dead. But I might

* Preface, p. 7.

ſpeak

ſpeak all the blame of Dr. PRICE which Truth could allow me, and it would appear too like unqualified Panegyric. He ſeemed to have of the character of the age in which he lived its peculiar lights, without any thing of its weakneſſes or its corruptions. To take the name of a Man which is a watch-word of a popular odium and contempt, a *mot de guerre*, which calls the paſſions and prejudices of all ranks to arms, and apply it to ſuch a Man!— Againſt a Man leſs univerſally regarded with eſteem and veneration the ſhocking idea of this imputed reſemblance might have inflamed a rancorous antipathy:—to the effects of which no bounds can be ſet. Mr. BURKE is not to be informed of the ignominious and horrid violence which may be excited in this country, even in an age ſo far enlightened and humanized as the preſent, by engrafting on political prejudices that fierceſt and moſt implacable ſpecies of hatred, which can be harboured only in the boſom of Fanaticiſm. And that Fanaticiſm in its worſt and moſt deſtructive ſenſe is not confined to thoſe who are called Sectaries, that there may be the Fanaticiſm of an Eſtabliſhment, Mr. BURKE cannot be to learn at this moment. The fears,

jealouſies,

jealouſies, and antipathies, the animoſity, tumult, and outrage, which prejudices relative to Religion and the ſuppoſed tendency of Opinions let looſe, he cannot have forgotten. He was the generous and intrepid Aſſertor of the ſecurity extended by the Legiſlature to the *Roman Catholics*, at a time when the Parliament was menaced by ſurrounding thouſands, and the Metropolis in flames. What might have happened from exhibiting a moſt hateful and affrighting portrait of one whoſe very countenance and deportment beamed mildneſs, ſimplicity, and univerſal benevolence! But independent of poſſible or probable conſequences, too much has certainly been the effect. Orators, like Poets, paint with a view to the ſentiments and manners of the time. If ſuch a delineation of Dr. PRICE could be popular, what muſt Mankind imagine of the People of this Iſland? When it was pleaſant to exhibit *Socrates* as an object of ridicule and deteſtation, the fall of *Athens* could not poſſibly be remote. And *Rome*, even in her laſt decline, ſtill reſpected *Cato*. But in mere juſtice to my Country it ought to be declared, that there ſeems no reaſon for ſuſpecting that any

colours

colours which unſeaſonably ſportive humour, any finer touches which the ſharpeſt wit could give, any celebrity of the artiſt who has condeſcended to lend his talents to ſuch an attempt, have reconciled the Public to the caricature of this venerable and amiable Perſon. But although the Public may not ſuffer a change of opinion, Individuals may be incited by the example. Before the ſtrange manner of treating the ſentiments and conduct of Dr. PRICE had been adopted by Mr. BURKE, writers of inferior talents and conſequence were reſtrained by a kind of involuntary reſpect from licentious attacks on ſuch a Man, ſo free from offence in his manners and diſpoſition, ſo exemplary by his public and private virtues. Since, there has been a torrent of invective in papers and magazines: and in the laſt Gentleman's Magazine a long ſtring of verſes, the moſt indecent and injurious in expreſſion and ſentiment: offering ſuch praiſe to Mr. BURKE as he cannot much value, when ſo accompanied; ſince it muſt be painful to an elegant and liberal mind to find weeds like theſe interwoven with the wreath preſented. I ſuppoſe theſe verſes muſt have been printed before the death of Dr. PRICE;

PRICE: to whoſe character, in the obituary of the ſame number, they are ſtrangely diſcordant. But this is not all. For Genius and Eloquence always loſe of that reſpect which naturally accompanies them when men poſſeſſed of thoſe ſuperior qualifications are thus employed: though ſuch qualities are naturally moſt alien to ſuch a taſk: And what is far worſe, Virtue, the pureſt and moſt exalted, loſes ſomething of her natural influence on the ſentiments of the Community, (an influence which it is unſpeakably important to cheriſh,) when her natural allies are ſo far miſguided by any momentary impulſe as to miſrepreſent, and, if that were poſſible, degrade her. But it cannot be. A miſt may be raiſed between *Olympus* and the eye of the traveller: who, for a moment, might look in vain for its ſolidity, its extent, and height: but ſooner that miſt ſhall diſſolve the adamantine baſe which it envelops, than the love and veneration of Mankind ſhall be permanently withdrawn from Virtue.

And what had been the offence of Dr. PRICE? He had expreſſed his ſatisfaction at the fall of an inveterate Deſpotiſm, which had for ages overſhadowed one of the firſt of Nations;

tions; and on the proſpect of the acquiſitions to Knowledge, Virtue, Peace, and Happineſs, naturally to be expected from the unfettered energy of ſuch a People. He had, on the Anniverſary of the Revolution, pronounced a Diſcourſe replete with the exultation of an expanſive, a moſt benevolent, and a pious heart. And is our gratitude due to the ſupreme Beneficence for its bleſſings to us as Individuals, and not when Light and Liberty animate Nations? Are events which ſuggeſt the faireſt proſpect of univerſal Peace, Philanthropy, civil and religious Freedom not the proper ſubject of public homage and praiſe to the Parent and infinitely benignant Ruler of the Univerſe? When Dr. PRICE, during the American war, preached a Sermon on theſe principles, did it ſeem to Mr. BURKE, or to the friends of Freedom in general, a ſubject of ſurprize as incongruous, or of diſplicence as dangerous in its tendency? We have ſeveral offices in commemoration of public events; appointed independent of the choice of the Preacher; and on which he muſt accommodate his Diſcourſe, the beſt he may, to the better knowledge of the times and to his own ſentiments. And would that all in

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the Liturgy of the *Church* of *England* on theſe occaſions were more reconcileable to Reaſon, to the ſpirit of the Conſtitution, to the truth of Hiſtory, to Charity, to the nature and end of religious Worſhip. For the *Revolution* there is in that Liturgy a religious office: though blended with another ſubject which gives denomination to it in the Rubric: where perhaps GUNPOWDER TREASON is conſidered as a leſs ſtartling word than REVOLUTION. Is a free and voluntary Commemoration leſs ſuitable to ſuch an event? Of religious Freedom, indeed, one of the great bleſſings commemorated both in the ſervice of the Eſtabliſhment and by Dr. PRICE in his Diſcourſe, Mr. BURKE could not, I muſt apprehend, be thinking with ſteady recollection and a clear view of its nature and extent, when he ridiculed Dr. PRICE as indifferent to what was preached or by whom; "anxious "not for the diffuſion of truth but for the "ſpreading of contradiction." When I read, or hear, ſuch paſſages as theſe, I am ſometimes ſeriouſly grateful that I was neither born a wit, nor educated to a taſte for raillery of this turn, how polite ſoever. Dr. PRICE, feeling the ſacred importance of religious Truth,

Truth, and knowing that Freedom and Sincerity are inſeparable from its nature and efficacy, certainly wiſhed that no Laws, no Habits of Society, ſhould conſtrain or induce a man to utter aught in preaching or in prayer contrary to the conviction of his mind. He thought that a better option was to be found than neglect of all public worſhip, or diſſimulation. He thought that to be irreligious was no franchiſe of the Laiety, no privilege of Nobility. Mr. BURKE certainly thinks ſo: and has expreſſed in the Letter * which contains theſe ſarcaſtical reflections his perſuaſion that a ſenſe of the univerſal importance of Religion cannot ſafely be abſent from the mind of thoſe who frame, or who adminiſter Laws. Yet he could expreſs himſelf, when it would obliquely glance on Dr. PRICE, in a manner ſo unguarded, that a ſuperficial reader, caught with the play of words, might naturally ſuppoſe, that to be ſuſpected of being ſincere in the profeſſion of *Chriſtianity*, derogated from the character of a *Peer* of *England*; that if religious Freedom ſhould be thought of any value by Noble-

* P. 15.

men,

Rousseau.



men, the ſword and helmet would glare from our pulpits: (for Chivalry, with her dazzling viſions, every where preſents herſelf to his view): and that men cannot worſhip according to their belief (and what other worſhip can be religious) without utter ruin to Religion and to the State.

When Wit is impatient to wing the arrow, Urbanity, Candour, and Diſcretion, will in vain exert their united efforts to guard the quiver: however they may regret its keen and brilliant ſtores are wantonly and miſchievouſly waſted, by pouring an inceſſant ſhower of miſdirected ſhafts. How but for this could the ſenſibility and fire of Mr. Burke, ſuffer one to be aimed from his hand, at the invulnerable Glory of Rousseau *!

There

* I am glad to find that a Lady worthy to be the daughter of *Necker*, and the vindicator of the memory of *Rouſſeau*, ſees the notion of what is implied in writing for the ſake of paradox, in the view in which it has appeared to me. *Rouſſeau* incidentally in writing to Mr. le Preſident de *Maleſherbes*, has given us the principle which could alone have animated his writings with ſuch energy and perſuaſion—he has given it with a convincing ſimplicity and clearneſs.

" Avois je quelque vrai talent pour ecrire? je ne ſçais. Une vive perſuaſion m'a toujours tenu lieu d'eloquence



M^de Stael

Rousseau.



There is a ſympathy which ought to have prevented this! and on what proof! on a

et j'ai toujours ecrit lachement & mal quand je n'ai été fortement perſuadé Ainſi c'eſt, peut être, un retour caché d'amour propre, que m'a fait choiſir & meriter ma deviſe, & m'a ſi paſſionnement attaché à la verité, ou a tout ce que j'ai pris pour elle. Si je n'avois ecrit que pour ecrire, je ſuis convaincu qu'on ne m'auroit jamais lû *." —But if the heart does not tell the reader of *Rouſſeau* that paradoxes like his flow from the warmth and force of the heart, and are not ſtudied ſophiſms invented at leiſure and elaborately wrought in contradiction to the ſentiment of their author—or at leaſt without the vivid concurrence of that ſentiment—that the world might admire him as a ſurprizing inventor of ſtrange things,—if the heart of the reader does not feel which of theſe ſuppoſitions muſt be the truth, that perſon will not be convinced by any arguments: he wants the faculty to which the proof muſt apply. For Mr. *Burke*, I believe, he has only to conſult *Rouſſeau*, in thoſe very writings upon which the charge is founded, and he will have no want of any other aid to determine his opinion. For myſelf I am ſatisfied that the Fame to be acquired by the utmoſt efforts of ſophiſtical Addreſs would have been to *Rouſſeau* not only taſteleſs but hateful. That he would rather Mankind ſhould have forgotten even while he lived that ſuch a perſon exiſted, than that they ſhould have been ſurprized by talents tortured in the ſupport of falſehood, or of any thing which he did not ſtrongly conceive to be true. I believe he could not have done this: I feel he has not.

* T. XXIII. p. 314.

ſurmiſe

ſurmiſe of Mr. *Hume*, that he recollected ſomething in the converſation of *Rouſſeau*, as if the love of thinking by paradox, had been the ſource of all his Theories in Politics and Morals. If we knew nothing of his works, but knew the empaſſioned, ardent, ſublime genius, of which they were the ſpontaneous and moſt vivid emanation, we ſhould know the cold ſteril affectation of paradox could not be their principle. I reſpect the elegance of manner and perſpicuity of deſign, the acuteneſs and ſagacity of the mind of Mr. *Hume*. I reſpect what thoſe who knew him relate of his character, diſpoſition, and conduct. And widely as I differ from him on leading points of Religion and Politics, I have no war with his aſhes, and much leſs with what is juſt and durable of his fame. But againſt the ſtrongeſt preſumptive evidence of character and temper, againſt the direct evidence of the works themſelves, I cannot admit the imaginations of Mr. *Hume*, or of any other man, concerning the principle and motive of the opinions profeſſed by *Rouſſeau*. If he wiſhed his Readers to adopt Paradox, it was the Paradox of an elevated and benevolent mind, which he had adopted in his own breaſt

Rousseau as a political Writer



before he attempted to communicate it to others. It was created in a moſt powerful imagination, by the fervour of ſentiment, and the energy of rapid, penetrating, and comprehenſive thought; ſuch a mind might not always ſeparate ſtriking poſſibility from existence; grand analogies from fact; impreſſive ideas from the actual ſtate and capacity of mankind; what generous enthuſiaſm conceives, from what experience can apply with effect: yet much, at firſt thought paradox the moſt inapplicable, has been found, and more will be found, to be clear, practicable, moſt extenſively momentous truth: his political principles will ſtand the teſt: they derive the rights of man from his nature; and the powers of ſociety from its only genuine object, the ſecurity and utmoſt improvement of the whole, and of all its parts. For the actual application he is not reſponſible. He held forth the light by which the path may be traced; but he did not mark the path: he gave the elements, not the form, of political ſociety. He knew how circumſtances of time, ſituation, character and habits of a People, affect the relative fitneſs of a Conſtitution: and he was too much concerned for

for the melioration and happineſs of mankind, and too ſenſible of the danger of deciding for them at a diſtance on the political ſyſtem which they ought to adopt, to hazard the welfare of a People and their poſterity on any theories, however deeply founded and thoroughly conſidered, which could not be adapted to practice, by an intimate knowledge of the People to whoſe uſe they were to be applied. This he proved in his *Corſican* Correſpondence. There is an alluſion in another page of Mr. BURKE, which I will not ſuppoſe was meant for ROUSSEAU, ſince it would ſhock me almoſt as much to impute it erroneouſly, as it ought to ſhock the Author, if intended as it appears to be.

Another very eminent Perſon falls under cenſure * for his comparative unconcern, by what ſhocks the preſent ſyſtem of the political world may be, in the order of Providence, cauſed to give way to a ſtate of general Freedom, civil and religious, permanent Tranquility, Wiſdom, Virtue, and Happineſs. Yet to a benevolent, philoſophic and pious Mind, ſuch comparative indiffe-

* Page 85.

rence may, if for a moment conſidered, appear ſo far from unbecoming, as to be of the very character and conſtitution of ſuch a Mind: which on reflecting muſt feel ſome ſurprize and concern, if any temporary emotions have hurried it out of its proper ſentiment. *Chriſtianity* (if we are not generally miſtaken) has, for its great object, the inſtruction and diſcipline of our Hearts to ſuch a Temper: not that we may be ſavage and unfeeling, but that from pure and comprehenſive Philanthropy, and a juſt contemplation of the divine Benevolence, we may receive, with reſignation and filial thankfulneſs, whatever of preſent apparent Evil: (for all Evil, which muſt ultimately be productive of meliorated diſpoſitions and habits, is indeed *but* apparent) ſatisfied and joyful that permanent and moſt diffuſive Good, ſprings from Diſpenſations the moſt tremendous. How awful the Deſtruction of *Jeruſalem*; that glorious and venerable City! the Deſolation of antient *Rome*: whence Arts, Manners and Laws, extended their benign influence; by which human Society has been adorned, cheared, and exalted! Yet to moſt extenſively and durably beneficial Events, theſe

theſe calamities were directly inſtrumental, And an Event, to which the Fall of the greateſt Empires is but as the removal of a cottage, *Chriſtians* are taught to expect with a ſerious and a ſettled complacency. In their own calamities, or thoſe of others, and eſpecially of great Nations, Philoſophy and the moſt ſublimely ſimple, the mildeſt and moſt beneficent of Religions, can give them no motive for rejoicing, if it conſidered them as detached from their conſequences and their end.—Theſe are not men to be repreſented as troublers of the juſt and ſalutary peace of the world. In rejoicing in the Revolution of *France*, they feel as men of cultivated and ſympathizing minds: but that ſympathy irreſiſtably determines them to exult in the ſtriking preponderance of general good. If ideas could be embodied, and aſſume a voice, HONOUR and VIRTUE, and the Spirit of PUBLIC GOOD, might poſſibly addreſs Mr. BURKE in terms ſomewhat ſimilar to theſe. —" You call forth the pomp and ſplendour of the Monarchy on its antient throne; of an awful Prelacy; of the high ſpirit and long accumulated Glory of an unconquerable *Nobleſſe:* and with theſe you blend every ſofter

ray of Beauty, Gaiety, and captivating Elegance. When a fancy naturally ſo vivid, and habitually ſo enriched, has the choice of the moſt diſtant *ages*, and moſt diſſimilar manners, it can compoſe a ſcene which may want indeed of unity of deſign, and conſequently of effect; but yet may ſo ſurprize, and intereſt the imagination, that the judgment ſhall be unwilling, or for a time even without power, to diſſolve the charm. The irretrievable loſs of this beauteous and glorious ſpectacle, you charge to the Revolution in *France:* without computing how much of it had diſappeared ages before; how much is hardly compatible with other objects of your admiration: to this you impute the extinction of whatever is great, venerable, beautiful, and engaging: and ſuppoſe men, viewing and reflecting on the event at a diſtance as undiſturbed as yourſelf, with enlightened and comprehenſive minds, and ſympathies for the welfare, dignity, and improvement of their ſpecies founded in temper, habit, philoſophy and religion, to delight themſelves with the abaſement, miſery, and ruin of a great and flouriſhing Nation. Sir, the incredibility of the thought might naturally have awakened

your candour and diſcernment. It might have led you to enquire, whether national dignity, public ſecurity, and happineſs; the grace, the charm, the endearment of ſocial life, the ſenſibility of principle, the chaſtity of honour, the manly ſentiment and heroic enterprize, have been deſtroyed, or reanimated, diffuſed, preſerved by the Revolution. When *Switzerland*, when the *Dutch* Provinces eſtabliſhed and defended their Freedom—Events which you have noticed with deſerved honour—When *America* triumphed by our aid, was it under the banners of Kings, Prelates, and Nobles? The men whom you have now cenſured, do not envy the ſplendour of Courts and Palaces. You well know, that what is envied muſt firſt be valued above its worth: an internal good is never envied. The boſom which feels its excellence poſſeſſes it. The genius, the activity of mind, the opportunities of men like theſe, could have given them their ſhare of this outward ſplendour, if ſuch had been their object. But they have been accuſtomed to the ſplendour and magnificence of Nature: they have been accuſtomed to admire that moral Beauty which no colours or external proportions can

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ever emulate. That ſuperior Glory, which not more reſides in Courts and Palaces, than in Cottages: uncircumſcribed by viſible form or place. They can with difficulty comprehend how it ſhould be poſſible for you to aſcribe to the late Revolution the promulgation, as of a dangerous diſcovery, if not a fallacy, that *a King is but a Man* *. They think the King and the People moſt degraded where it is imagined otherwiſe. They, and we, who have long been your companions, thought that ſuch was the opinion of yourſelf: and that you were convinced, all the falſhood, danger, and miſchief, were on the other ſide. And it was ſuppoſed from your admiration and high eſteem towards the ſex, that you could not think it a degradation to a Queen, (and ſuch a Queen as you delineate) not to be adored as an Idol, conſtituted by arbitrary appointment, or conventional prejudices. A man equal to the native dignity of his character, a woman in whom the milder excellence of her ſex beams with amiable ſerenity, leave no ſolicitude to enquire, whether any Titles in the Vocabu-

* P. 114.

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lary of State, could add an higher or purer Luſtre to that with which Nature has ſurrounded them. We have been wont to find you the animated encomiaſt of thoſe who derived from us an unprecarious and ſalutary Fame; of Names really illuſtrious and venerable, becauſe beneficial to mankind. The benign Enthuſiaſm of ROUSSEAU, the calm Philanthropy of PRICE; (the praiſe to whoſe ſtrength of Nerves, ſhould have been tranſferred to the reflective Energy of his Temper) the philoſophic courage and unreſerved ſpirit of Reſearch and Communication which characterizes that other Perſon, of whom it would have been unworthy not to have been reproached together with theſe———, to preſent imaginary likeneſſes of men like theſe to ridicule, and more hoſtile ſentiments of any ſet of perſons under the dominion of inflamed prejudice, is an office for other talents and another character than yours. If the REVOLUTION in FRANCE cannot appear odious and contemptible, but by ſuch a diſtribution of praiſe and cenſure, to principles, facts, and perſons, circumſtances and qualities, it is a taſk to be left to thoſe who are not embarraſſed with opinions or diſpoſitions,

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information or ſentiment, worthy of a better employment. Your heart may have been impreſſed too ſtrongly with the idea, your imagination preſented on the firſt intelligence of a great national Ferment, and of ſome Exceſſes to which a generous and excellently tempered People, may have given way on being at once awakened from the iron ſlumber in which they had been held by Deſpotiſm. Some images of that dreadful ſlumber might mix with their conduct in the firſt moments of a tranſition ſo aſtoniſhing. Hence ſome circumſtances of violence, more congenial to the temper and habits of the Government of Terror, which was paſſing away, than to that of Reaſon and Confidence which was ſpringing forth in its place. You ſaw theſe with horror and averſion, and with an haſte too incident to ſudden, rapid, acute emotion, converted incidental evils into a general idea of the complection and character of the great Event. Particular views of Government may have contributed to theſe prepoſſeſſions; but to a mind naturally ſympathizing with Genius, Rectitude, and Benevolence; to a mind pained with the enervate ſpirit of thoſe times, to which "faults

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growing out of the luxuriance of Freedom, appeared much more ſhocking than the baſe vices generated from the rankneſs of ſervitude;" and to one who ſaw that "the ge-"neral Reſiſtance of a People," could not be an artificially excited, but "always a provoked *," and of courſe a juſtified reſiſtance; it may be ſtill poſſible, by a noble recollection, to ſee the men, whom he has ſeen with a very unexpected alienation of ſentiment, the cauſe and the conduct, which in a moment of ſtrong emotion, he condemned, as theſe would have appeared to him free from extraneous circumſtances and temporary impreſſions. Your attachment to us, whenever it ſhall appear our intereſts have a better proſpect of being conſulted than under the former ſyſtem, muſt prevail in preference to any more limited ſympathy: and ſtill more in preference to any particular theory of a poſſible Conſtitution, better than that which has been choſen.—"

But the idea of theſe, lovely and venerable as they are, does not ſo eaſily quit its abſtract form: there is another which of itſelf aſ-

* Letter to the Sheriffs of Briſtol.

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ſumes a perſon: and it hardly ſeems imagination when I ſuppoſe FRIENDSHIP thus ſpeaking to Mr. BURKE.

"I ſhould not be heard if I were to adviſe you to oppoſe theſe: but it is impoſſible I ſhould give ſuch advice; ſince without them it is not in my nature to exiſt. With *Honour*, *Virtue*, and *Public Good*, Friendſhip has been united,—you have known and you reſpect this truth,—from the firſt commencement of civil Society. But where the intentions agree, where the views are honourable, juſt, and benevolent, you are conſcious it is no law of that free and generous harmony which I eſtabliſh in the heart, that the judgment, with reference to particular though important ſubjects, that the opinion of expediency, ſhould invariably coincide. It is indeed pleaſing where this circumſtantial coincidence happens to occur: but where the general principle which governs the ſentiment and the action, where the common ſympathy which unites the wiſe and good in confidence and eſteem, where the particular regard from habit and congruity of mind,—where theſe prevail, what is there in a diſſonance merely incidental, to untune the ſoul and to diſſolve

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its concord? Not even muſic drawn forth from things inanimate could ſubſiſt on theſe terms: even in that the diſcord, not capricious nor predominant, aſcertains and exalts the harmony. And ſhall that more divine harmony, to which all that ſtrikes the ear owes its higheſt power, depend on a cold, dry, fixed uniſon, never to be paſſed? An uniſon inconceivable always to exiſt in thought: and it is of the very character of Friendſhip that when the thoughts differ they ſhould be as unreſervedly expreſſed as when they agree: and on public ſubjects this expreſſion will require often to be public. But no external acquieſcence can demonſtrate my dominion in the mind.—When the fulneſs of eſteem, unaffected by the diverſity of opinion,—when the recollection of ſimilar ſtudies, correſponding taſte, united counſels and conduct, fills the mind, and the frankneſs of the temporary difference witneſſes to the ſincerity of the general agreement,—when the high emotion riſes into tears—they are mine—they are truer pledges than unvarying complaiſance, than all the pomp of panegyric, all the ſacrifices of ſtifled conviction. With theſe HONOUR ſympathizes—

theſe *Virtue* and *Public Good* recognize as flowing from an impulſe moſt endeared to them. There are other bonds of artificial and precarious league :—theſe are the Ties of Truth, of Freedom, and of Nature. Happy the individuals who feel their benignant force; happy the Community, if amidſt the diſtractions of party and the abſorbing influence of ambition, the minds of many who partake of its government are acceſſible to theſe emotions.—The *great Poet* of antiquity has repreſented THE FATHER of the UNIVERSE as rejoicing when the beſt and braveſt of the *Greeks* contended: and when ſuch men contend in free and tempered debate, and in generous ſympathy, it is a cauſe of enlightened and expanſive joy, in which every human boſom of a right temper will partake. Truth and general Good will gain by a conteſt between ſuch ſo conducted: but if the diſagreement is to diſſolve, or even to ſhake their amity; if on either ſide it is to ſteel the heart againſt thoſe impreſſions which are of moſt value to ſuch men and to the public: if it is to heighten ſuch an ardour for the maintenance of an opinion on a particular ſubject, as precipitates the judgment, how ſtrong and acute

acute ſoever, beyond the bounds of reaſon and moderation, and hurries it into a variance from principles as well as perſons approved by its more deliberate and tranquil judgment,—this, from an occaſional difference, may ſettle into a permanent diſcord, the moſt unſuitable to the frame of that mind which it ſhall have occupied: and in which no human being can rejoice, without violating the ſympathy conſtituted by Nature between the private and the public Affections."

You will believe—for you muſt have felt, and not only reaſoned on this clear and impreſſive principle, you muſt ſtill feel, when you may be leſs inclined to abſtract truths of this tendency,—that Friendſhip cannot be dependant on the concurrence or repugnance of political theories; on the aſſent or diffidence of the judgment relative to facts and events, even if they were not foreign. I diſdain a more confined range than that of the will and the affections: where theſe are mine, my empire remains inviolate. And theſe have been mine though *Lælius* has rejected what *Scipio* approved: though *Brutus* has diſſented from *Cicero* on points the moſt important to the common-wealth at its moſt

aweful criſis; not on the Revolutions of other nations; not on the policy, paſt or preſent, of other ſtates; but on the plan, meaſure, and extent of the Revolution of ROME herſelf.—Of him whoſe mind has been imbued from the pureſt ſprings of *Greek* and *Roman* antiquity; of him who has imbibed benevolence from a yet deeper and purer ſource; of him, to whom diſpoſition, education, and habit endear the elegant, the liberal, and comprehenſive ſympathies,—of him, I claim that he ſuffer not himſelf to be alienated from a matured and confirmed amity, on differences which neither alienated nor impaired that amity towards him."

Thus I have endeavoured to ſuppoſe the leading qualities of a mind, ſuch as I conſider that of Mr. BURKE, reviewing a deciſion, which, however warmly ſupported, I am unwilling to think irrevocably fixed.—I proceed to ſubjects of far leſs extent; and ſhall ſtate the reaſons for their ſtriking me in that light which they appear to me.

Of the CONSTITUTIONAL SOCIETY, and their Reſolve, I have to ſay only, that they adopted with a general introductory vote the Reſolve of the REVOLUTION SOCIETY.

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The particular attention of the NATIONAL ASSEMBLY was therefore naturally ſhewn to that Society which had firſt given its teſtimony to that great event, ſo intereſting to the Friends of liberty, and of human happineſs, in every part of the globe. It was not between the two Societies a competition for praiſe. It was an united wiſh to expreſs their congratulations on an event of ſuch importance, in its general tendency, to the happineſs of a great neighbouring Nation, and of human Society. I believe that the Reſolve of the CONSTITUTIONAL SOCIETY was never formally voted for tranſmiſſion. I never heard that any Member of that Society thought it ſlighted. But thus much may be obſerved:—That Gentlemen who from habit and ſituation are under a neceſſity of ſaying much, are in danger of ſometimes ſpeaking without ſufficient information. This has happened. The CONSTITUTIONAL SOCIETY * had none of that kind of charity ſo liberally imputed to it; none of that merit with the Bookſellers of making books vendible, which would otherwiſe lie upon their hands. If it could have relieved that Fraternity from ſuch a load, it would have been one of the richeſt

* P. 3.

Societies in the World: and conſequently, with Mr. BURKE, who allows amply in the political ſcale for the weight of opulence, would have fully authorized all the alarm and anxiety he expreſſes. The CONSTITUTIONAL SOCIETY has publiſhed few extracts from printed Books: and thoſe generally from ſuch as had no need of their aſſiſtance: though the Public had need and benefit from the information they contained. Not works born in this century, or to expire in it. They have publiſhed Addreſſes to the Public, Reſolutions, and Reports; relative chiefly to the Election and Duration of Parliament. If at home Mr. BURKE failed of this eaſy intelligence, it may very well be imagined (and it is aſſerted that it has happened) that he may have lamented the death of a victim to the Revolution in FRANCE who is living and in health; and that he may have commiſerated innumerable calamities of that Country, which have owed their exiſtence to the ſuggeſtion of thoſe phantoms which haunt the dreams of the *Anti-revolutioniſts*.

The RESOLVES of both Societies are inſerted in the APPENDIX: the Public will ſee they are not applied to particular facts, or meaſures, ſubſequent to the Revolution: but

but to the general aſpect and grand features of that ever memorable and unparalleled Event. And if the acceſſion of an Army, ſo long the great inſtrument of Deſpotiſm, to the cauſe of riſing Freedom; if ſweeping from the earth that adamantine Fortreſs of inſidious and moſt cruel tyranny, the BASTILLE; if the Abolition of LETTRES DE CACHET; the Vindication of Liberty of Conſcience; the Introduction of Liberty of the Preſs; the Trial by Jury, where Life, Liberty, or Reputation are concerned; the ſubſtitution of the Repreſentative Will of a great People in the place of the Arbitrary Will of an individual or of ſecret Favoritiſm; the extinction of Seignoral Privileges, and particularly of the Game Laws, thoſe oppreſſive and ignominious Badges branded on the ſufferance of the Community by fœdal Tyranny;—if the Recognition of the Natural and Civil Rights of Mankind, and the Progreſs made towards reducing them to Practice; if the Pledge of Peace and Amity tendered by the New Conſtitution as its Firſt-Fruit and perpetual Vow to the ſurrounding Nations; if the Diffuſion of Light, Liberty, and Happineſs, which ſuch an Expanſion of the Human Powers, ſuch an Emancipation of THIRTY MILLIONS of Men promiſes to

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Mankind; if theſe are not ſubjects of diffuſive Joy, of rational Gratulation, of benevolent Triumph, I am at a loſs what Event can take place, till the final Diſſolution, at which a Friend of Liberty and of Mankind can have cauſe to rejoice.

I have now concluded thoſe obſervations, which, at no eaſy hour, I thought due to the Principles of Freedom; to the Conſtitution of this Country;—worthy if its ſpirit were obſerved in its moſt eſſential branches, of no mean *Encomium*;—to the ſituation and conduct of the People of FRANCE; and to thoſe, whether Public Bodies or Individuals, who have expreſſed their congratulation on the Fall of an arbitrary Government, and their hope of ſucceſs to the united Exertions of ſuch a People for eſtabliſhing a free Conſtitution. I look for no Fame:—and I have neither indulged the leiſure, nor employed the means, by which, on occaſions ſuch as this, Fame is to be purchaſed: poignant raillery; artful inſinuations; the turns of expreſſion; the pomp of imagery; the management of the paſſions; the captivating preferences to wealth and ſtation. I am not inſenſible to the charms of ſtyle, and can admire the graces of compoſition. I am at this moment, however,

occupied by other than theſe attentions: other employment of my thoughts prevented me till very late from ſeeing the Letter of Mr. BURKE. And to have anſwered it ſo late as would have been neceſſary, if the form and finiſh of theſe Remarks had been an object of indiſpenſible attention with me, would have been ſpending in preparation the moments due to action. But the general principles on which the queſtion muſt chiefly turn, I had not now for the firſt time to conſider. Be his the brilliant and dazzling arms; if I can oppoſe to their otherwiſe reſiſtleſs edge, the impenetrable ſhield of Truth and Freedom. To have merited the praiſe of elegance, if at laſt it could have been merited, much more time muſt have been devoted: but for all which is of ſerious moment, the ſubſtantial diſcuſſion of the moſt material points, poſſibly, if the hours devoted to it, though few, have not been ſufficient, more would have been employed in vain.

I hope it will appear, that the Right of depoſing unjuſt Kings for their miſconduct; the Right of the People to chuſe their Governors, and to form their Government, were included in the principles, and practically aſſerted by the event of the REVOLUTION;

that the change of the *French* Government, from the rule of arbitrary will in an individual, to the free expreſſion of public conſent, the ſacrifice of the cruel Privileges of the few to the equal Rights of the Nation, was a juſt ſubject of Joy and Congratulation, from all who look forward to the progreſſive emerſion of the human race, from the gloom of oppreſſion and the horrors of ſervitude; that the extent and juſtneſs of many of its leading Principles, the care and reſpect for the Lives and Intereſts of the Community, with which ſo great and ſudden a Change has been conducted, are objects of imitation in all Countries which aſpire to Freedom, and have, like FRANCE lately, the neceſſity, not of meliorating, but of creating a Conſtitution; and that the individuals or public Bodies, who have teſtified their ſatisfaction in the proſpects opened to Mankind by ſuch an Event, have by no means deſerved reproach. If theſe points are eſtabliſhed I have nothing, on this occaſion, to wiſh beyond.

*Treſtonhall,*
6 *May*, 1791.

CAPEL LOFFT.

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# APPENDIX, No. I.

## EXTRACT
FROM THE
## PROCEEDINGS
OF THE
## REVOLUTION SOCIETY,
*At their Anniverſary held at the London Tavern, Nov. 4, 1789.*

The Rt. Hon. Earl STANHOPE in the Chair.

THE COMMITTEE concluded their Report, with congratulating the Members of the Society, as *Britons* and Citizens of the World, upon that noble ſpirit of civil and religious Liberty which had, ſince the laſt meeting, ſo conſpicuouſly ſhone forth on the Continent; more eſpecially on the glorious ſucceſs of the French Revolution; and with expreſſing their ardent wiſhes, that the influence of ſo glorious an example may be felt by all Mankind, until Tyranny and Deſpotiſm ſhall be ſwept from the face of the Globe, and univerſal Liberty and Happineſs prevail.

Dr. PRICE then moved, and it was unanimouſly reſolved, that the following congratulatory Addreſs to the NATIONAL ASSEMBLY of FRANCE, be tranſmitted to them, ſigned by the Chairman.

"THE SOCIETY for commemorating the REVOLUTION in GREAT BRITAIN, diſdaining national partialities, and rejoicing in every triumph of Liberty and Juſtice over arbitrary Power, offer to the NATIONAL ASSEMBLY of FRANCE their Congratulations on the REVOLUTION in that Country, and on the proſpect it gives to the two firſt kingdoms in the World, of a common participation in the bleſſings of civil and religious Liberty.

They cannot help adding their ardent wiſhes of a happy ſettlement of ſo important a Revolution; and at the ſame time expreſſing the particular ſatisfaction with which they reflect on the tendency of the glorious example given in FRANCE, to encourage other Nations to aſſert the unalienable Rights of Mankind, and thereby to introduce a general Reformation in the Government of EUROPE, and to render the WORLD free and happy.

STANHOPE, CHAIRMAN.

## No. II.

*At a* GENERAL MEETING *of the* SOCIETY *for* CONSTITUTIONAL INFORMATION, *held at the Secretary's, Tavistock-ſtreet, Covent Garden, Friday, Nov.* 27, 1789.

RICHARD SHARP, ESQ. V. P. *in the Chair.*

RESOLVED,

I. "That this Society cannot, conſiſtently with the ſenſe it entertains of the primary object of its Inſtitution, be indifferent to the exertions of a neighbouring Kingdom, for regaining to the Community thoſe Rights of *Repreſentation*, the exerciſe of which had been long loſt.

II. "That this Society adopt with pleaſure, the underwritten Reſolve of the Revolution Society."

Then followed the Reſolve already inſerted, with the Recital of the date and occaſion of the Meeting, and with this preliminary Clauſe:

"A REPORT from the COMMITTEE was brought up; and the following RESOLUTION was moved by the Rev. Dr. PRICE, and unanimouſly approved:

"The Society for commemorating the Revolution in Great Britain, diſdaining," &c.—ending with the words, "free and happy."

At a GENERAL ſemiannual MEETING of the SOCIETY for CONSTITUTIONAL INFORMATION, Decem. 16th, 1789.

JOSHUA GRIGBY, ESQ. M. P. PRESIDENT, in the Chair.

RESOLVED,

That this Meeting feels itſelf powerfully impelled to expreſs its Congratulations on the Proſpect of a complete Emancipation of human Society, from political and in-

tellectual ſervitude.—A Proſpect, manifeſting itſelf, as in other great inſtances, ſo eſpecially in the concurrent diſpoſition, which having been diſplayed in *America* is now pervading *Europe*, of reſiſting all reſtraints on the *Freedom of Enquiry*, or *Excluſion* from the exerciſe of any *Civil Rights* on account of *religious* Opinion.

## No. III.

THE underwritten RESOLVES are ſo clearly and forcibly expreſſed, have ſuch reference to the Principles of our *Revolution*, as they appear to me, and compriſe ſo many, and powerful Reaſons for preferring the new Conſtitution of *France* to its late Government, that I ſhall quote them without farther preface: and leave the Reader to judge, whether he thinks the Aſſertions of Mr. *Burke*'s Letter, to which they will be found either totally incompatible, or not eaſily reconcileable, without ſuch limitations as ſeem to render them nearly unimportant in practice, deſerve beſt to be adopted in the reaſoning and conduct of a Nation attentive to its happineſs.

### MANCHESTER CONSTITUTIONAL SOCIETY: INSTITUTED, OCTOBER, 1790.

RESOLUTION,

I. That in every civil Community, the legitimate Authority of the *Governors* can only be derived from the conſent of the *Governed*.

II. That the happineſs of the People governed, ought to be the ſole end and aim of all civil Government.

III. That public honours and emoluments can only be due for ſervices conferred on the State.

IV. That

IV. That every perſon, from the higheſt to the loweſt, appointed to, and accepting of any office or truſt for the benefit of the Community, is ultimately reſponſible to the People for the complete diſcharge of the duties of it.

V. That *Actions* only, and not *Opinions*, are the proper objects of civil Juriſdiction.

VI. That no law or ſtatute can be fairly made, which is not enacted by and with the conſent of a majority of the People, given either expreſsly by themſelves, or by means of a full, fair, and adequate Repreſentation.

VII. That the People of *Great Britain* are not fully, fairly, and adequately repreſented in Parliament; and that the defective ſtate of the Repreſentation of this Country, and the extended duration of Parliaments, require a ſpeedy and effectual Reform.

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## No. IV.

IN ſettling a Conſtitution, theſe Points are principally deciſive of the Character to be attributed to the Perſons charged with that moſt important Truſt: the Truth, Comprehenſion, and Diſtinctneſs of the Principles; the Order, Diligence, Deliberation, and Fidelity in carrying them into effect: Their ſuitableneſs to the opinions and habits; their correſpondence with the Rights and Intereſts of the Community; in the general outline, at leaſt; and the opportunity and encouragement given to Public Inveſtigation, and correction, with reſpect to errors, which may have taken place in the particular Proviſions.

It is with a view of enabling the Reader to decide, what the general value of the *New Conſtitution* of *France* is, and what its comparative Merit, as contraſted with the

*Old Government*, that I have thought it expedient to lay before him the *Declaration of Rights*; and ſome other leading circumſtances in the Formation of *that* political SYSTEM, which concerns the welfare of a People, great in every the moſt diſtinguiſhing feature of national greatneſs, which has already had its influence on the Peace of the neighbouring Nations, and which evidently muſt be expected to have permanent conſequehces, relative to the Tranquillity and Liberties of *Europe*, and the progreſſive Improvement and Felicity of Mankind. Thoſe who write and act, as if they wiſhed to influence whatever can be excited, to the ſubverſion, if poſſible, of that Form of Government which the *People* of *France*, by a freer and more full delegation than appears ever to have taken place in a great Community ſince the origin of political Society, have choſen, may allow themſelves, ſuppoſing it in any degree probable that their wiſhes ſhould be accompliſhed, to reflect what kind of Government, by what means alone to be maintained, and to what ends, not internal merely but foreign, to be directed, they can reaſonably preſume would be ſubſtituted in its place. Not the Monarchy, as it ſtood before the Revolution, with its reſtraints from cuſtom and opinion, though not from poſitive inſtitution; not a mixed Form, analogous to that of *England*, or of any Country which partakes of Freedom, ſecured by any tolerable proportion of equal, and generally protective Policy; but ſome Mode of undiſguiſed and unqualified Tyranny: probably a military Ariſtocracy, ſupported by the worſt part of the late eccleſiaſtical eſtabliſhment, jealous, vindictive, bigotted; and diverting inceſſantly that ſtrength and thoſe Reſources of the Nation, (if in ſuch a convulſion as muſt be neceſſary to ſubvert the preſent Government, any ſhould remain,) which they muſt always

contemplate as hoſtile to themſelves, in attempts againſt the Peace of the ſurrounding Communities. But if, in ſuch a ſtruggle, the Credit, Manufactures, Commerce, Arts, Population, Strength and Spirit of that Nation, whom it is neither magnanimous nor politic to conſider merely as Rivals, ſhould be reduced to a lowneſs which would prevent it from being of any weight in the Syſtem of *Europe*, thoſe who can entertain ſuch a proſpect with complacency, muſt have ſtrange ideas of the wealth and proſperity of the Members of the *political Body* in this part of the Globe, when they would found their hopes of it in the wretched debilitation of one of its chief parts.

My view, in the whole of the preceding Tract, and in thoſe extracts which I have now to offer, has been to prove, that the Fall of the late arbitrary Government of *France*, and the efforts for eſtabliſhing a free and equal Government in its room, far from meriting horror, execration and contempt, deſerved the cordial gratulation, and if requiſite, the aſſiſtance, of the Friends of Freedom, in this Country, and in every part of the Globe.

DECLARATION *of the Rights of Men and of Citizens*, contained in the REPORT of the COMMITTEE of CONSTITUTION, read by Monſ. MOUNIER, in the NATIONAL ASSEMBLY, *July* 9, 1789*.

THE Repreſentatives of the People of *France*, formed into a National Aſſembly, conſidering that ignorance, neglect, or contempt of human Rights, are the ſole Cauſes

* Addreſs of the National Aſſembly, with Appendix of Authentic Documents, London, 1790. *L'Aſſemblée Nationale aux François*, 11 *Fevr.* 1790, deſerves to be read wherever there is a Taſte for the Eloquence of the Heart, of Truth, and Freedom.

of public misfortunes and corruptions of Government, have reſolved to ſet forth, in a ſolemn Declaration, thoſe natural, unalienable, and ſacred Rights of Man *; that this Declaration being conſtantly preſent to the Minds of the Members of the Body ſocial, they may be ever kept attentive to their Rights and their Duties: that the Acts of the legiſlative and executive powers of Government, being capable of being every moment compared with the End of political inſtitutions, may be more reſpected: and alſo, that the future Claims of the Citizens, being directed by ſimple and inconteſtible Principles, may always tend to the maintenance of the Conſtitution, and the general happineſs.

For theſe Reaſons, the *National Aſſembly* doth recognize and declare, in the preſence of THE SUPREME BEING †, and with the hope of his Bleſſing and

* Mr BURKE objects, that the more the Deſcription of theſe Rights is *metaphyſically* true, it is *morally* and *politically* falſe. I have been accuſtomed to conſider Politics as a part of Ethics, and Ethics as a part of Metaphyſics. It cannot be the abſtract Perfection of theſe Principles, which renders them falſe: any more than geometrical Definitions are falſe, becauſe in Practice we are never ſure of more than approximation to them. And Mr. BURKE intimates, if not expreſſes, his own political Principles as generally as any others can be conceived.

† *In the preſence of* THE SUPREME BEING.—If the Majority of the *National Aſſembly* had conſiſted of ſuch Men as Mr. *Burke* in language which *, in reſpect to him, and much more to that Aſſembly, I ſhall not repeat, has ſuggeſted, is it credible they ſhould have inſulted the NATION, and expoſed themſelves, without any colour of Neceſſity, by ſuch a ſolemn Profeſſion? But I do not believe, that either Choice or Misfortune could have aſſembled, from the whole territory of *France*, a Number equal to the Majority of the National Aſſembly, compoſed of ſuch men as Mr. *Burke* has repreſented.

* P. 132, 165--8, 207, 208, 243—6.

Favour

Favour, the following ſacred Rights of Men and of Citizens.

I. Men were born, and always continue free, and equal in reſpect to their Rights; civil Diſtinctions, therefore, can be founded only on public Utility.

II. The end of all political Aſſociations is the preſervation of the natural and impreſcriptible Rights of Man; and theſe Rights are, Liberty, Property, Security, and Reſiſtance of Oppreſſion.

III. The Nation is eſſentially the ſource of all Sovereignty: nor can any individual, or any body of men, be entitled to any authority which is not expreſsly derived from it.

IV. Political Liberty conſiſts in the power of doing whatever does not injure another. The exerciſe of the natural Rights of every Man has no other limits than thoſe which are neceſſary to ſecure to every other man the free exerciſe of the ſame Rights; and theſe limits are determinable only by the Law.

V. The Law ought to prohibit only Actions hurtful to Society. What is not prohibited by the Law, ſhould not be hindered; nor ſhould any one be compelled to what the Law does not require.

VI. The Law is an expreſſion of the Will of the Community. All Citizens have a Right to concur, either perſonally, or by their Repreſentatives, in its formation. It ſhould be the ſame to all, whether it protects or puniſhes; and all being equal in its ſight, are equally eligible to all honours, places, and employments, according to their different abilities *, without any other

* Mr. *Burke* thinks, that the exceptions which can exiſt to the rule of conferring public employ on men of a certain rank and circumſtances,

other diſtinction than that created by their virtue and talents.

VII. No man ſhould be accuſed, arreſted, or held in confinement, except in Caſes determined by the Law, and according to the Forms which it has preſcribed. All who promote, ſolicit, execute, or cauſe to be executed, arbitrary orders, ought to be puniſhed; and every Citizen called upon or apprehended by the Law, ought immediately to obey, and renders himſelf culpable by reſiſtance.

VIII. The Law ought to impoſe no other penalties than ſuch as are abſolutely and evidently neceſſary *; and no one ought to be puniſhed but in virtue of a Law, promulgated before the offence, and legally applied.

IX. Every

ſtances, are very rare. They will be rare, (if juſtice is done to the ſtate and the individual) or frequent, according to the rareneſs or frequency of the inſtances to be found of information and public ſpirit in the body of the Community. That People muſt be in an unhappy and degraded ſtate, and the vices which have found its way into the Government and Conſtitution, muſt be great indeed, if the maſs of which it is compoſed has ignorance, careleſſneſs, and corruptneſs, with reſpect to the political Rights, either of general or of that particular Society, of which they are Members, the prevailing Character of the individuals who compoſe it. Wherever this is, without exaggeration, the Fact, it will be in vain to enquire for the political abilities, the great, pure, and enlightened principles of the men of rank and opulence in ſuch a Community.

* Upon this rule it may not be difficult to juſtify what is lamented by Mr. *Burke* as an inexcuſeable omiſſion in the *National Aſſembly*; the not having ſent to the Gallies the Author, and to the Houſe of Correction the Actors, in a dramatic repreſentation, in which the *Cardinal* of *Lorraine*, a *Rebel* and a *Murderer*, in Mr. Burke's idea of him †, was repreſented in his robes of function, ordering general ſlaughter, and the maſſacre of St. *Bartholomew*, was exhibited as an

† P. 211.

object

IX. Every man being preſumed innocent until he has been convicted, whenever his detention becomes indiſpenſible, all rigour againſt him more than is neceſſary to ſecure his perſon, ought to be ſtrictly provided againſt by the Law.

X. No man ought to be moleſted on account of his Opinions, not even on account of his religious Opinions, provided his avowal of them does not diſturb the public order eſtabliſhed by the Law *.

XI. The unreſtrained communication of thoughts and opinions being one of the moſt precious Rights of Man, every Citizen may ſpeak, write, and publiſh freely, provided he is reſponſible for the abuſe of this liberty, in caſes determined by the Law.

object of abhorrence. He ſuggeſts a reaſon why this ought to have been done, from the multitude of Prieſts and Prelates who ſat in that Aſſembly. Perhaps it was not thought thoſe Prieſts and Prelates would have been choſen, or would have accepted a ſeat there, if they had felt themſelves intereſted in vindicating the Honour of that enormous Act of perfidious, bigotted Cruelty. With ſimilar probability he ſuppoſes, that this Repreſentation was deſigned not to convey to the public feelings an abhorrence of perſecution, and of the effuſion of blood, but to excite to ſimilar practices.

It may be here obſerved, that far from terminating in vague and inapplicable theories, this (the 8th) and the following Reſolve have a direct reference to practice, in Caſes of the moſt frequent occurrence and moſt affecting importance to the individual in his relation to civil Society: Caſes, however, which have hitherto been almoſt univerſally neglected by all Communities, and are greatly ſo by our own.

* Dr. PRICE, with his uſual penetration and impartial attention to the Rights and Intereſts of Mankind, has intimated the Defects of the 10th and 11th Article *.

* Diſcourſe on the Love of our Country, App. p. 9.

XII. A

XII. A public force being neceſſary to preſerve the Rights of Men and Citizens, that force is inſtituted for the benefit of the Community, and not for the particular benefit of the perſons with whom it is entruſted.

XIII. A common Contribution being neceſſary for the ſupport of the public force, and for defraying the other expences of Government, it ought to be divided equally among the Members of the Community, according to their Abilities.

XIV. Every Citizen has a Right, either by himſelf or his Repreſentative, to a free Voice in determining the neceſſity of public Contributions, the appropriation of them, and their amount, mode of aſſeſſment, and duration.

XV. Every Community has a Right to demand, of all its agents, an account of their conduct.

XVI. Every Community, in which the ſeparation of Powers is not determined, nor a ſecurity of Rights provided, wants a Conſtitution.

XVII. The Right to property being inviolable and ſacred, no one ought to be deprived of it, except in caſes of evident public neceſſity, legally aſcertained, and upon condition of a previous juſt indemnity.

EXTRACT *from* DECREES, *paſſed* 17*th of* *June*, 1789.

The Aſſembly find, upon the reſult of the verification of their powers, that they are the Repreſentatives of ninety-ſix parts out of an hundred of the whole Nation. Such a maſs of Repreſentation ought not to remain inactive on account of the abſence of the Deputies of ſome Bailiwicks, or of ſome Claſſes * of Citizens: be-

* Page 32.

cauſe

cauſe the abſent, who have been called over, cannot hinder the preſent from exerciſing the plenitude of their Rights; eſpecially when the exerciſe of thoſe Rights is a preſſing and imperious Duty.

The Denomination of the NATIONAL ASSEMBLY is the only one which is ſuitable to the preſent ſtate of things.... The *National* Repreſentation being one and indiviſible, none of its Deputies, in whatever order or claſs they may be choſen, have a right to exerciſe their functions ſeparately from the preſent Aſſembly *.

EXTRACT *from the* REPORT *of the* COMMITTEE, *read 9th of July*, 1789.

A Conſtitution, to be a good one †, muſt be founded on the Rights of Men, and muſt evidently protect them. To frame ſuch a Conſtitution, we muſt notice thoſe Rights which natural Juſtice grants to every individual; we muſt lay down thoſe Principles which ſhould form the Baſis of every kind of Society; and each Article of the Conſtitution muſt be clearly deduced from ſome Principle. A great number of modern Civilians call the Statement of theſe Principles *a Declaration of Rights*.

The Committee think, that it would be proper, in order to point out the Object of our Conſtitution, to preface it by a Declaration of the Rights of Man; but to place it in the form of a preamble, at the head of the Articles of the Conſtitution, and *not* to preſent it *ſepa-*

* This alludes to the NOBLESSE and CLERGY refuſing to ratify their Powers jointly with the Deputies of the TIERS ETAT. Calonne, p. 318—20.

† Page 48.

*rately.*

*rately.* The Committee think, that this laſt mentioned Plan would have little utility; and might be inconvenient: that abſtract and philoſophical ideas, *unaccompanied by conſequences*, might give room for the ſubſtitution of others, different from thoſe which would be admitted by the Aſſembly: that by *not* decreeing definitively the Declaration of Rights until the moment in which the examination of all the Articles of the Conſtitution ſhould be finiſhed, they would have the advantage of combining, more exactly, every thing which ought to be admitted into their general expoſition of Principles, and received as a legitimate conſequence of thoſe Principles.

This Declaration ſhould be ſhort, ſimple, and preciſe.

Here the Committee ſhould communicate their views as to the direction of the Aſſembly's proceedings, with regard to the Conſtitution. *This is a matter of too great importance not to require the aid of all the light that can be thrown upon it.* It would be highly dangerous to devolve upon a Committee the care of drawing up the Plan of the Conſtitution, and then to come to a deciſion upon it in a few Seſſions. *The Fate of twenty-four Millions of Men ought not thus to be expoſed to the riſque of* precipitate *deliberations.* It would be more agreeable to prudence to eſtabliſh a Committee of Correſpondence, which would meet at certain times, to compare the opinions which might appear to prevail in different Bureaus; and who ſhould endeavour, by theſe means, to procure a certain uniformity of Principles. As the Articles of the Conſtitution ſhould be moſt intimately connected with each other, no ſingle Article of them can be decreed until all of them have undergone the moſt mature conſideration. The *laſt* Article may occaſion ſome reflections upon the *firſt*, which may require ſome change or modification in it.

it. The diſcuſſion of the Articles of the Conſtitution, will, perhaps, conſume a conſiderable portion of time: but no motive ought to induce us to act with precipitation. The greateſt of all evils to which we could be expoſed, would be a vicious Conſtitution. But that we may not be ſuppoſed to be in a ſtate of inactivity, whilſt our moſt important intereſts are in agitation, and the more eaſily to procure to all the Members of this Aſſembly the means of mutually acquiring and communicating information, three general ſeſſions ſhould be held every week, in which thoſe topics ſhould be publicly debated which have undergone a previous diſcuſſion in the Bureaus. By this conduct we ſhall unite many advantages: we ſhall act agreeably to our principles: and ſhall profit by the information of thoſe who wait for new *inſtructions* to vote in this Aſſembly. They will, doubtleſs, be eager to communicate to us their reflections: and, during this examination, they will find *that* time which is neceſſary to obtain a greater degree of Liberty, without reſtraining, by this conſideration, the activity of this Aſſembly, which ought never to be ſuſpended.

*Extract from another Part of the Report.*

Ought we firſt to be employed in forming a *Conſtitution* or in making Laws *? Surely the Choice is not difficult .... If we were to begin upon thoſe Articles of *Legiſlation* contained in our reſpective inſtructions, we ſhould give riſe to a great number of queſtions .... In the diverſity of objects which would preſent themſelves at once we ſhould be obliged to decide which of them were of the

* Page 46.

greateſt

greateſt importance. There would be no end to our diſcuſſions: and the reſtoration of Public Credit would be retarded; ſince we cannot enter upon the buſineſs of the neceſſary ſupplies till we have eſtabliſhed a Conſtitution. Thoſe who know the value of time, and wiſh to guard againſt all contingencies, always ſelect out of ſuch Actions in which they intend to be engaged, ſuch as are *indiſpenſably neceſſary*, before they paſs to others which are merely uſeful, or will admit of delay.

Certainly, the Evils which our Fellow-Citizens endure call for new Laws: but it is of much leſs importance to make Laws than to ſecure the execution of them: and Laws will never be executed till arbitrary Power is deſtroyed by a well-regulated Form of Government. Beſides, there is no important Law which does not require the co-operation of the different powers, and which is not modelled agreeably to their organization. It is doubtleſs to be lamented, that we cannot, in a ſingle Seſſion, do all the good to which zeal would animate us: but let us, at leaſt, do what is evidently neceſſary. There are no Evils for which Liberty does not offer a conſolation; no Advantages which would compenſate its Loſs .... When once Liberty ſhall be fixed, and the legiſlative Power determined, good Laws will naturally follow. By ſecuring the *periodical* return, or continuance of National Aſſemblies; by determining their form and compoſition; by regulating the bounds of every kind of power;—theſe are the Methods by which Liberty is to be eſtabliſhed."

No. V.

## No. V. *

# INSTRUCTIONS

*To the Miniſters of foreign Courts.*

SIR,

THE King has charged me to inform you of his earneſt deſire that you make known his ſentiments concerning the Conſtitution and the French Revolution to the Court at which you reſide. The ſame orders are tranſmitted to the Embaſſadors and Miniſters of France at all the Courts of Europe: to the end that no doubt may remain with regard to his Majeſty's intentions, his free acceptation of the new form of Government, or his irrevocable oath to maintain it. His Majeſty convoked the States General of his Kingdom: and reſolved in his Council that his Commons ſhould, in that Aſſembly, have a number of Deputies equal to thoſe of the other two orders there exiſting. This Act of proviſional Legiſlation, which the circumſtances of the time did not allow to be more favourable, ſufficiently announced his Majeſty's intention to reſtore to the Nation all its Right. The States General met: and took the Title of *the National Aſſembly:* and in a ſhort ſpace of time a Conſtitution fit to ſecure the happineſs of France, and of the Monarch, took place of the ancient order of things, under which the apparent Power of the kingdom only ſerved to conceal the real Power of the abuſes of certain ariſtocratic bodies. The National Aſſembly,—the form of a repreſentative Government conjoined with an hereditary Monarchy,—the legiſlative body, was declared to be

permanent: the choice of the Miniſters of public worſhip, of Magiſtrates and Judges was given to the People: the executive power was conferred on the King; the formation of laws on the legiſlative body, and the power of ſanction on the Monarch: the public force, both internal and external, was organized on the ſame principles, and in conformity to the fundamental diſtinction of powers:—Such is the Conſtitution of the kingdom. That which is called a Revolution is no more than an Abrogation of numerous abuſes that have been accumulating for ages, through the errors of the People, or the power of the Miniſters, which never was the power of the King. And thoſe abuſes were no leſs prejudicial to the Monarch than to the Nation. Thoſe abuſes, authority, under happy reigns, had never ceaſed to attack; but without the power to deſtroy. They exiſt no longer. The Nation, now the Sovereign, has no citizens but ſuch as are equal in rights; no deſpot but the law; no miniſters but public miniſters, and of thoſe miniſters the King is the chief. Such is the French Revolution.

The Revolution muſt naturally have for its enemies all thoſe who, in the firſt moment of error, regret, on account of their private intereſt, the abuſes of the antient government. Hence the apparent diviſion in the kingdom; which is daily becoming leſs: hence, perhaps, ſome ſevere laws, and circumſtances which time will correct. But the King,—whoſe true power can never be diſtinct from that of the Nation, who has no aim but the happineſs of the People, and no authority but that which is delegated to him;—the King has adopted, without reſerve, a happy Conſtitution, which will at once regenerate his Authority, the Nation, and the Monarchy. All his powers are reſerved to him: except the dreadful

power

power of making Laws: he remains charged with the power of negotiating with foreign powers; with the care of defending the kingdom, and repelling its enemies: but the French Nation will, in future, have no external enemies but its aggreſſors: no internal enemies but thoſe who, ſtill flattering themſelves with vain hopes, believe that the will of twenty-four millions of men reſtored to their natural rights, after having organized the kingdom in ſuch a manner as to leave only the memory of antient form and abuſes, is not an immoveable and irrevocable Conſtitution.

The moſt dangerous of thoſe enemies are they who affect to diſſeminate doubts of the intentions of the Monarch. They are much to blame or much deceived. They ſuppoſe themſelves the only Friends of the King; and they are the only enemies of Royalty. They would have deprived the King of the love and confidence of a great Nation, if his principles and his probity had been leſs known. What has the King not done to ſhew, that he conſidered both the Revolution and the French Conſtitution as his Titles to Glory? After having accepted and ſanctioned all the Laws, he has neglected no means of cauſing them to be executed. Since the month of February, of the year preceding, he has promiſed, in the boſom of the National Aſſembly, to maintain them. He has taken an oath to do ſo in the midſt of the general fœderation of the kingdom. Dignified by the title of the Reſtorer of French Liberty, he will tranſmit to his ſon more than a Crown: he will tranſmit a conſtitutional Royalty. The enemies of the Conſtitution are conſtantly repeating, that the King is not happy; as if it were poſſible for a King to enjoy any happineſs but the happineſs of his People. They ſay, that his authority

is leſſened; as if authority founded on force, were not leſs powerful and more precarious than authority founded on law. They ſay, that the King is not free: a calumny atrocious, if they ſuppoſe that his will muſt be conſtrained; abſurd, if they take, for a want of freedom, the conſent repeatedly expreſſed by his Majeſty, to remain among the citizens of Paris; a conſent that was due to their Patriotiſm; even to their fears;—but above all to their love.

Thoſe calumnies, however, have reached foreign courts: they have been repeated there by Frenchmen, who are voluntary exiles from their country, inſtead of ſharing its glory; and who, if they were not enemies, have deſerted their nation as citizens. The King, Sir, charges you to defeat their intrigues and their projects: and the ſame calumnies, while they ſpread the falſeſt ideas reſpecting the French Revolution, have rendered the intentions of French travellers ſuſpected by ſeveral nations; and the King expreſsly orders you to protect and defend them.—Repreſent the French Conſtitution in the ſame light as that in which the King views it: and leave no doubt of his intention to maintain it to the utmoſt of his power. By ſecuring the liberty and the equality of the citizens, that Conſtitution founds the National Proſperity on the moſt immovable baſis: it confirms the royal authority by the Law: it prevents, by a glorious Revolution, that Revolution which the abuſes of the old Government would probably ſoon have effected, by a diſſolution of the Empire. And finally, it will conſtitute the happineſs of the King.

To juſtify it, to defend it, and to conſider it as the rule of your conduct, ought to be your firſt and moſt important duty.

I have frequently before communicated to you his Majeſty's ſentiments on this head; but after the information he has received of the opinion endeavoured to be eſtabliſhed in foreign courts reſpecting what is paſſing in France, he has ordered me to make known the contents of this Letter at the Court at which you reſide: and that it may be ſtill more public, his Majeſty has ordered it to be printed.

22 *Apr.* 1791. (Signed) MONTMORIN.

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## No. VI. *

*Extent* of *Repreſentation* and *Mode* of *Election.*

Tranſlation of part of a Letter from a French Gentleman, to the Author of the foregoing Remarks.

28 Dec. 1790.

" *France* is divided into 83 *Departments.* In each Department there are ſeveral *Diſtricts:* of which the number varies from 3 to 8. Laſtly, in each Diſtrict there is a certain number of *Cantons.*"

" In the principal place of the *Canton*, the *Primary Aſſembly* forms itſelf. Every Citizen of *France* paying 3 *livres* of tax, enrolled in the National Guard, and having taken the *Civic Oath* *, has a right to vote in the Primary Aſſembly."

" To

* *Civic Oath.* " I ſwear to be faithful to the Nation, to the Law, " to the King: and to maintain with all my power, the Conſtitution " decreed by the National Aſſembly, and accepted by the King †."

† A Paris chez Baudoin, Imprimeur de l'Aſſemblée Nationale, 1790.

" To avoid the tumult of too numerous Aſſemblies, the Cantons are ſo compoſed, that the number of votes in each is uſually 490, and never more than 600."

" In thoſe towns where there is a great number of Citizens, who directly ſhare in government (de Citoïens actifs) by the exerciſe of the right of ſuffrage, ſeveral of theſe aſſemblies are formed, which deliberate at the ſame time."

" Every Primary Aſſembly has the free Conſtitution and organization of itſelf. The moſt aged Citizen preſides. The three next in ſeniority are *ſcrutators*. And thus the Aſſembly proceeds to chuſe its Preſident and Secretary by ballot."

" Each Aſſembly names *one Repreſentative* for every 100 active Citizens preſent, or abſent, enrolled on the Civic Liſt;" " and theſe Repreſentatives are called *Electors*. The Re-union of theſe Electors from all the Cantons in each Department, gives a number of about 7 or 800. When they are completely choſen, they meet on a day fixed in the chief place of the department."

" There, after having freely formed themſelves into an Aſſembly, which is called *Electoral*, they proceed to the Election by ballot, of Repreſentatives in the *National* Aſſembly, of executive *Adminiſtrators* in the departments, and of *Biſhops*."

" This Aſſembly laſts only 15 days. The Election concluded, it has no other function, and diſſolves of courſe."

—Je jure d'être fidèle à la Nation, à la Loi, au Roi, & de maintenir de tout mon pouvoir la Conſtitution decrété par l'Aſſemblée Nationale, et accepté par le Roi.

La Declaration des Droits de l'Homme & du Citoyen, miſe à la portée du tout le Monde.

" You

" You ſee, Sir, that there is but one intermediate ſtep between the People and thoſe who execute the *legiſlative* and *adminiſtrative* Power."

" Perhaps it were better that the People ſhould elect without any intermediate.—But . . . to admit this it will be neceſſary to wait until the Conſtitution has had ſome time to produce its effect upon the Nation. At leaſt, you will agree, that this Form of Election, this diviſion into Aſſemblies of moderate number, which avoids tumult, is preferable to that where the Election being made in one place of general concourſe, the ambition of the candidates often cauſes the ſacrifice of human life. At the ſame time, it is one of thoſe queſtions, which are of the greateſt importance, and merits all the attention of every Lover of Freedom."

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## No. VII. *

I thought it incumbent on me in preparing this *ſecond* Edition, to read the *ninth* of Mr. *Burke*; which is either the laſt, or at leaſt the lateſt I have been able to procure. I have read it through very carefully. There are two corrections; one merely verbal, the other in a Note to p. 259: (all the references to pages will ſerve for this 9th Edition as for the preceding,) in that note Mr. BURKE allows one ſtep leſs between the repreſentative legiſlator and the conſtituent, than he had ſtated on the Report of the Committee, the Reſolve of the National Aſſembly having ſo far ſimplified the Mode of Election. It is obſerved, this does not remove the main objection of the firſt conſtituent being diſconnected from the actual Legiſlator. But it removes, however, a complexity from which it was of no ſmall importance to

vindicate the plan of the Conſtitution, and ſhews a diſpoſition to admit all the ſimplicity which in the actual circumſtances is deemed poſſible. I truſt, that deliberation and experience, the tranquillity and ſecurity of a ſettled ſyſtem, the manners and the habits, inſpired by the exerciſe of a free government, will remove all difficulty as to the ſingle intermediate ſtep which remains. Political, like all other human perfectibility, is relative and progreſſive.

In FRANCE they call on Mr. BURKE for other Corrections of Fact *.

They ſay he has ſtated 1720 Diſtricts, which is three times the actual number. He ſtill ſtates them in his 9th Edition. They ſay he has been eſſentially miſinformed in their expenditure and in their debt. They ſay he has miſtaken incidental evils (and theſe exaggerated by diſtance and miſintelligence) for ſyſtematic; and momentary for permanent; and they aſk where Mr. BURKE lives, to ſuppoſe their *Aſſignats* depreciated? They aſk where he finds, in the language or conduct of the National Aſſembly, *the dilapidation of the Public Revenues*, repreſented as a *relief to the People* †; and they appeal to the ACTS of the NATIONAL ASSEMBLY, as a Reply to this Aſſertion.—They uſe a language, which I as an individual ſhall not uſe, but which, when it has been uſed by an individual here, however eminent and reſpected, towards the fulleſt and freeſt Repreſentation of a great Community that ever yet exiſted in *Europe*, it cannot be wonderful to find retorted by individuals there. They leave him his Logic, his Metaphyſics, his Geometry, his political Claſſification, in full right and undiſ-

* Le Patriot François, 2 Janv. 1791.

† Letter of Mr. Burke, p. 358. 9th Edition.

diſputed

puted poſſeſſion. But they think all theſe Arcana of Mr. Burke will neither make a Conſtitution, nor prove theirs to be a bad one. They allow to the quick and inceſſantly repeated flaſhes of his fire againſt *Rouſſeau*, the *ſocial Contract*, the *Rights* of *Men*, as much effect as to the *feu petillant* of *Voltaire*, when exerciſed on the ſame ſubjects. But they are convinced the fame of *Rouſſeau* has an ample indeſtructible baſe. They look to thoſe who have aided the progreſs of intellectual Light and Freedom, as deſtined to be remembered with honour, while the empire of Reaſon, of Humanity, ſhall ſubſiſt. And they have a juſt and generous confidence, that theſe bleſſings are too widely diffuſed, too deeply imbibed, to be loſt in France in any future generation. Mr. BURKE has merited, and I truſt is ſtill deſerving, a place amongſt the benefactors of human Society: and compared with this the livelieſt ſallies of wit and fancy, even when not miſdirected, are a ſlight appendage to fame thus earnt. When miſdirected, they are a deduction which eſteem to the individual, regard to genius and to the intereſts of mankind, always obliges us deeply to regret.

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## No. VIII. *

SINCE this was ſent to the Preſs, I have had the ſatisfaction of reading the part hitherto publiſhed, of Mr. CHRISTIE'S excellent LETTERS on the REVOLUTION of FRANCE, and the NEW CONSTITUTION. I refer the Reader, who is anxious for the Cauſe of Freedom, to the fourth of thoſe Letters, for the *Territorial Diviſion*, the Adminiſtrative Aſſemblies, and the Mode of electing the

the National Aſſembly. He will find that Mr. Burke's N° 1, 2, 3, 4, &c. to which no Citizen can have a particular relation; his geometrical ſquares in the room of natural diviſions of a country, do not exiſt in the actual territorial Diviſion. He will find the error rectified which I have mentioned as to the Mode of Election: and that there is but *one* intermediate between the Citizen who votes in the primary Aſſembly, and the Legiſlator. He will ſee the Phantom of Mr. *Burke*'s numerous *Republics* diſappear: and that one uniform, and ſimple and energetic Conſtitution pervades the Territory of *France*.

He will ſee that thoſe *Lawyers* in the *National Aſſembly*, whom it has pleaſed Mr. *Burke* to delineate in ſuch colours, have exerted themſelves more than any body of men have ever done, of whom I can recollect the mention in the Hiſtory of any great Nation, to ſet "*every Man within the reach of Right*;" that glorious wiſh of our benevolent and philoſophic Poet. I know the innumerable and daily grievances of the poor of this country, which cannot, which even ought not to be left to the ſummary juriſdiction of the Juſtices of the Peace, as at preſent conſtituted; and which are utterly out of the reach of any other legal remedy, without intolerable delay and ruinous expence. He will ſee the benevolent attention of the *National Aſſembly*, in eſtabliſhing the *Bureaus of Peace* and *Conciliation*; in encouraging *Arbitration* and giving Stability to its Awards; in eſtabliſhing the *Family Tribunal* to prevent the indecent and bitter litigations of near relatives. In theſe proviſions they have apparently had in view, but with improvement, the inſtitutions and uſage of antient *Rome*, in the beſt ages of the Republic. He will ſee, that there is provided a *Great Court* of *Criminal Juriſdiction* in every *Department*;

which

which in ſuch a territory as *France*, muſt comprehend an extent more than equal to the medium of our circuits; a Jury of Accuſation of *eight* analogous to our *Grand Jury*; and a Jury of *twelve* for Trial in *criminal* Caſes. A *Military Jury* for the Trial of *ſoldiers* and *ſailors*. A Proviſion for ſucceſſion in caſe of *inteſtacy* *; which may admit of improvement, but which is far preferable for the intereſts of a free community, and of domeſtic happineſs to that *droit d'aineſſe*, which founded the fortunes of one out of many children, on the excluſion and poverty of the reſt. He will find in the Decree for the Abolition of Titles and armorial Bearings †, an attentive reſervation with reſpect to the paſt, for the ſecurity of charters, title deeds, the ſubſiſting decorations of public and private places; the monuments placed in churches, and the cuſtoms and opinions, and perſonal inclination of foreigners. He will find ‡, out of reſpect to Liberty and foreign Nations, the Decree deſtroying the *ſymbols* of *ſervitude*, and haughty inſcriptions inſulting to other Nations. He will recognize the ſimple and generous Dignity of Freedom. He will find § the proviſion for thoſe of the *monaſtic* orders, who wiſh to continue in their accuſtomed habits of life; and liberty to the reſt to quit thoſe houſes. He will obſerve ‖ the declaration in favour of the *Proteſtants* of *Alſace*, founded on the expreſs principle, that "*differences of religious opinion ought* "*to have no influence in votes at Elections; and that in the* "*choice of thoſe who are to fulfil the duties of public offices,* "*no regard ought to be had to any thing but abilities and* "*virtue.*" He will notice the noble Reſolution on a

* 18 *Mar.* 1791. † Append. p. 120-1. No. xxxi. 19 June, 1790. ‡ P. 119, No. xxx. 19th and 20th of June, 1790. § 18 Feb. 1790, No. xxiv. p. 92. ‖ No. xxxii.

Motion

Motion made in the *National* Aſſembly for an excluſive eſtabliſhment of the *Catholic* Religion: that "*the Nati-*
"*onal Aſſembly conſiders it has not, and cannot have, the*
"*exerciſe of any power over the conſcience, or over reli-*
"*gious opinions.*"

I own I think, the important right of *voting* *, has its exerciſe much too long ſuſpended, by being poſtponed to the age of *twenty-five*. To Morals and *Patriotiſm*, as well as to political Freedom, an earlier admiſſibility to the exerciſe of this right would be, I am perſuaded, much more conducive. I think that a regulation may be deviſed, and I truſt it will, conſidering the wiſdom and liberal ſpirit of *France*, which ſhall render the excluſion of *Servants* from the exerciſe of that right, totally unneceſſary. The *French Nation* has been long diſtinguiſhed for mildneſs and courteſy in the conduct of heads of families towards their domeſtics: the tranſition therefore to the exerciſe of perfect political freedom, will have the fewer prejudices and habits to impede its progreſs. The excluſion of thoſe "*qui divitiis tantum incubuere repertis*;" who have not, from the property which has devolved to them, made their proportional payment of the juſt claims on it, is, I think, wiſely modified, exemplary and ſalutary.

But I ought not to conceal my concern on the Reſolution relative to *Inſtructions* †; which declares ‡, that "*the Members of the National Aſſembly ſhall, after their*
"*Conſtituents have declared their confidence in them, by*
"*electing them as their Repreſentatives, be entitled to act*
"*agreeably to their judgment, and ſhall not be conſtrained*
"*by any authoritative Mandate from their Conſtituents.*"
Certainly, as Mr. *Chriſtie* remarks, there are differences

* P. 163. † Conſt. Sect. I. Art. XXXIV. ‡ P. 198.

of

of opinion amongſt us on this point. Many years paſt I had a long correſpondence with a Gentleman, whoſe abilities and general knowledge are much reſpected. He maintained that ſide of the queſtion which Mr. *Chriſtie* adopts, and advanced every thing which I thought could be advanced in its ſupport. I was not then, nor have ſince been, convinced. I think Repreſentatives aſſemble in a free ſtate to exerciſe that power, in right of the Community, which the Community itſelf, if actually aſſembled, would poſſeſs. There are certainly many points on which the repreſentative will have, during the courſe of deliberation and debate, lights to guide his judgment which have not occurred to his Conſtituents. Where there is a free, an equal, and a general Repreſentation, I have no idea of the hazard, that the People on ſuch points will want the neceſſary confidence in their Repreſentatives ſo choſen. I have no imagination of a poſſibility, politically to be regarded, that elective bodies of a People thus repreſented, will inſtruct wantonly and capriciouſly. The reaſons which make it neceſſary to their convenience to be repreſented, and the grounds of confidence they will have in real Repreſentatives, will be ſufficient ſecurity againſt this. But they may have formed an opinion on a queſtion of expedience; and if authentically declared, where there is a real Conſtitution which gives the fair weight and efficacy to public ſuffrage, it ought to be deciſive. It is true, that on a queſtion for continuing the late war againſt *America*, or ſince, on a queſtion againſt the *Abolition* of the *Slave Trade*, or now if Mr. *Burke* could ſet forward his Croiſade againſt the *National Aſſembly* and *Conſtitution* of *France*, theſe are points in which every man ſhould be governed by his conviction of immutable right; but governed—

verned—not to vote *againſt* the *Inſtructions* of his Conſtituents; I perceive not any right he has to do this;—but to vacate his ſeat which he holds as their Repreſentative, becauſe he cannot and ought not to vote according to thoſe Inſtructions; and becauſe, therefore, if they will inſiſt on them, he cannot be their *Repreſentative*.

I have expreſſed my thoughts unreſervedly.—On the great queſtion of the VALIDITY of the CONSTITUTION of FRANCE, I do not think the RIGHT of INSTRUCTIONS has, in the actual circumſtances, any effect. Much of neceſſity was done, from the nature and object of the Delegation, *without* Inſtructions; much on *general* Inſtructions; ſomething, perhaps, againſt the *Letter* of Inſtructions; but which has been ratified by the ſubſequent acceptance and approbation of the great Body of the People, in the freeſt and moſt ample manner.

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## No. IX.

*Great Branches of Reform already effected; and concerning which it is preſumed few will diſagree.*

The Abolition of arbitrary and partial Impoſts.

The Abolition of Lettres de Cachet, and all other means by which Perſons were liable to ſevere and indefinite Puniſhments without Trial or Enquiry.

The Deſtruction of the *Baſtille*, and of all other Places of cruel and inextricable Confinement, in which Perſons innocent or meritorious, might languiſh out their Lives in extreme Suffering and Deſpair, without their imputed Crimes, their Accuſers, their Situation, their Life or Death being known to the Public, or to any intereſted in their Relief.

The

The Abolition of unknown and unlimited Penſions for no Service, or the worſt Injuries to Individuals, and Crimes the moſt dangerous againſt the Community.

The Extinction of venal hereditary Offices of Juſtice.

The Surrender of local provincial Privileges, incompatible with a general Syſtem of national Conſtitution.

The Eſtabliſhment of Trial by Jury in criminal Caſes.

The Eſtabliſhment of a Repreſentation of the People, full, free, and equalized in a very high Degree.

*Other Branches of Reform,*

already executed, concerning which it is preſumed a great part of the conſiſtent Friends of Freedom and human Happineſs will agree.

The Encouragement to Freedom of Enquiry.

The Suppreſſion of the ſummary, arbitrary, and local Power of adminiſtering Juſtice in confined limits, and not ſubject to the public eye, exerciſed by Lords of Manors.

The Suppreſſion of the Game Laws.

The Suppreſſion of other partial, arbitrary, and oppreſſive Privileges over the Perſons and Property of the People.

The Abolition of firſt fruits and dues to the Pope: as a badge of dependance on a foreign Juriſdiction.

The Suppreſſion of Plurality of Benefices.

The Abolition of Tythes: and the Subſtitution of a Proviſion for the Clergy, leſs diſcouraging to agricultural Improvement, leſs injurious to the effect of their inſtructions, and more compatible with Peace and good Intelligence between them and their Pariſhioners.

The Removal of private Patronage in the public office of religious Inſtruction.

Let the whole be conſidered, with thoſe ſubſequent benefits which intereſt the whole Community of *France*, in almoſt every object of importance to individuals or to ſociety which a Conſtitution can ſecure, (a ſummary of the principal is contained in No. VIII. of this Appendix,) and with all deductions of Defects or poſitive Errors, (ſuch as have principally appeared in that light have been already intimated) if any Framers of a new Conſtitution have acted for a great People under a more full, free, and equal Delegation, with more Energy, more liberal Views, more Fortitude, more Fidelity * and Deſire of public Information, let thoſe who point to ſuch not fail to announce them: thoſe who cannot may be rationally expected to be candid in their Interpretation and temperate in their Cenſure, if they would entitle themſelves to the Confidence and Eſteem of the Public, or would render ſervice to FRANCE, or to any other Country, by their Reflections. For many of thoſe of Mr. BURKE I have teſtified a ſincere Reſpect: and ſhould be concerned, perhaps more than many of his Friends, if their Utility ſhould be impaired, to the degree which may be feared, by any immoderate and repulſive vehemence in the Mode of conveying them. I am more concerned than ſurprized if, amidſt the ſtorms of State and the irritation of Parties, the Equanimity of the philoſophic Politician has been, for the time at leaſt, overcome; though much of the Sagacity and Philanthropy of that Character is ſtill retained.

6 *June*, 1791.

* Their Diſintereſtedneſs has been applauded in the higheſt Terms in *a Letter to Earl Stanhope:* which, from the Style and Sentiments, the Public Judgment has, with reaſon, referred to one of the firſt Writers of our Age. *Vide* p. 90—1.

REMARKS

# REMARKS

ON THE

# LETTER OF MR. BURKE,

TO A

# MEMBER OF THE NATIONAL ASSEMBLY.

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*Parmi nous, il eſt vrai,* Socrate *n'eut point bû la ciguë; mais il eut bû dans une coupe encore plus amere la raillerie inſultante, et le mepris, pire cent fois que la mort.* Diſcours ſur cette Queſtion, ſi le retabliſſement des Sciences et des Arts a contribué à epurer les mœurs.

" *Il rabaiſſera ſon Genie*" aux prejuges " *de ſon ſiecle: & aimera mieux compoſer des ouvrages qu'on admirera pendant ſa vie que des merveilles qu'on n'admireroit qu' apres ſa mort. Dites nous celebré . . . . . combien vous avez ſacrifié de beautes mâles & fortes à nôtre Gout perverti;*" *et combien l'eſprit* " *railleur*" *ſi fertile en petites choſes, vous en a couté de grandes.*

# REMARKS.

WHEN I had concluded, as I thought, all which I ſhould have to obſerve on Mr. BURKE's ſentiments and language relative to the REVOLUTION in FRANCE, and to principles and circumſtances connected with that event, I was informed yeſterday, by a Lady, of another Letter of Mr. *Burke*, printed at *Paris*, and reprinted in *London*. I ſent for it immediately: and have this evening obtained and read it. Poſſibly it will be inveſtigated more fully by others: who may think the conſequence of the Name by which it is ſanctioned, and the ſeductions of its manner, a ſufficient reaſon for attacking it in form. Publiſhed as it is, when this Edition of my Remarks is nearly through the preſs, I can-

not paſs it in total ſilence; neither do I ſee any reaſon for diſcuſſing it in detail. But as it may be thought to have ſuggeſted a part of the additions which the Reader may have noticed, I can only aſſure thoſe who may naturally have ſuch an opinion, that the additions were all made before I had ſeen a line of this new production, or ſo much as heard of it. By having thus far accidentally, and on occaſion only of Mr. *Burke*'s former Letter, anticipated much of what I ſhould have ſaid in this, my preſent Taſk is confined within narrower limits.

A *Taſk* I call it, though I have aſſigned it myſelf: not from any difficulty in the points it will require to be treated; but for the pain which muſt be felt in conſidering the objects which Mr. *Burke* has repreſented as worthy of ridicule, of contempt and deteſtation, and in comparing the emotions they excite in my mind with thoſe which he exerts every effort to excite in the mind of Princes and of Nations. The topics of his invective would be utterly unaccountable to me, if they were not in ſome degree explained by thoſe of his panegyric and approbation. The engines he would ſet in motion for the deſtruction of the

the preſent Conſtitution of *France*, I ſhould have thought equally impoſſible to have occurred to the conſiderate and experienced ſtateſman and the mild philanthropiſt. But I think, unleſs the princes of *Europe* are planet ſtruck indeed, he will not find in their councils, and ſtill leſs in their actual arrangements, the *Deſideratum* of *Archimedes*, the place on which the *Fulcrum* is to reſt which ſhould diſlodge the earth out of its poſition; or—and the atchievement propoſed may be as eaſy as the type adopted to expreſs it,—ſubvert the Conſtitution which the People of France have choſen.

Several pages in the beginning of this ſecond Letter I have paſſed without much particularly to notice. I confeſs the apology for preferring the *Report* of the *Committee*, as Evidence of the *actual Conſtitution* of *France*, to the *Decree* of the *National Aſſembly* *, becauſe the deſign of the Architects was to be preferred to the execution of the Maſons as better ſuited to enable us to comprehend the ſcheme of the building, is to me extraordinary: and I ſuppoſe to others, ſince when a

* P. 2.

building is actually erected, it is commonly ſuppoſed that an accurate drawing of it in its exterior and internal, gives a more complete and juſt idea than a plan which has been in part rejected. Sir *Chriſtopher Wren* had deſigned a plan of St. *Paul*'s, materially different from the preſent ſtructure of that beautiful and noble edifice. I apprehend we ſhould not be referred to that deſign, to inform us what St. *Paul*'s actually is. And I imagine Mr. *Burke* would be ill inclined to examine the *Reports* of *Committees* on the Journals of either Houſe, to ſatisfy himſelf or others relative to the actual Proviſions of any ſtatute; which, having paſſed with Amendments, is to be found in our *Acts* of *Parliament*.

In general, the firſt pages of this latter performance, when an Author writing at a diſtance from the object of his inveſtigation is uſually the cooleſt, preſent no diſtinct reaſoning, information of fact, ſimple principle, or clear ſpecific aſſertion. There is pleaſantry to a wonderful degree;—for a Senator of this country, who feels the dignity of his character and ſituation. Pleaſantry, which a man of ſenſibility and humanity * ſeems to have

* P. 18.

felt

felt required ſome explanation when applied to the ſtate and circumſtances of a great and illuſtrious Nation ſuffering, in his idea, the moſt deſperate, the moſt unexampled and boundleſs calamities. There is deſcription —but I doubt it is the deſcription of the Poet who has crowded into his fancy, warmed and agitated to exceſs, *non bene junctarum diſcordia ſemina rerum*, every contrariety which imagination could ſuggeſt, and has dignified this ideal Chaos with the Name of the Conſtitution and Government of *France*. There is delineation of character without reſerve: for in ſome few touches, maſterly no doubt as they are rapid, and eaſy, and ſtrong, the NATIONAL ASSEMBLY is ſketched. But how to appropriate, how to diſcriminate and aſcertain the reſemblance, the animated haſte of the right honourable artiſt, has not waited to inform us. Mr. *Burke* much better knows the *Parliament* of *England*; doubtleſs if he would grace the canvas with *that*, we ſhould have a glorious proof how much, individually and collectively, it maintains a tranſcendant ſuperiority over the National Aſſembly. The cauſes and the circumſtances,

and the particulars which eſtabliſh this ſuperiority are overpaſt: "*vitæ poſtſcenia celat:*" engaged in the practice of adminiſtering the bleſſings (it might have been ſaid rather of reſiſting, as he has frequently, the abuſes, and obviating or mitigating the conſequent evils) of the Conſtitution, he declines the *Theory*. He leaves *France* uninformed of ingredients, the compoſition, the benignant poiſons, the efficacious palliatives which enter ſo largely into the *panacea*, as at preſent formed; and taken by the People of this Iſland.

Mr. BURKE, as a Member of that Aſſembly which he adorns, and whoſe dignity he ſupports, has indeed in the Letter which preceded the immediate ſubject of my preſent Remarks, done ſplendid juſtice to the Parliament of this Country: and has unqueſtionably not ſaid too little in its commendation in a certain view. It is celebrated as "*filled, by the pure operation of adequate cauſes* *, (what thoſe are he is prudently reſerved, *Cauſa latet, vis eſt notiſſima,*) *with every thing illuſtrious in rank, in deſcent, in hereditary and acquired opulence; in cultivated talents, in military, civil,*

* P. 64, 5.

*naval,*

*naval, and political diſtinction* *, *that the country can afford.*" In this grand enumeration it is indeed obſervable, that ſtation, birth, opulence, lead the van in full and pompous array: in which, however dazzling the general effect, however conſpicuous the ariſtocratic pre-eminence, we can diſtinguiſh the banners of another ſpecies of *oligarchy*, that

* Both Letters abound with diſtinctions of the mode. I wiſh they had more of diſtinctions real and immutable. A people accuſtomed to think highly of theſe adventitious and little pre-eminences, will loſe of the high ſenſe of virtue, of truth, and freedom. *Non, il n'eſt pas poſſible que des eſprits degradés par une multitude de ſoins futiles s'élevent jamais au rien de grand: et quand ils auroient la force, le courage lui manqueroit.* Diſcours qui a remporté le prix a Dijon.

But for the value of theſe diſtinctions, I would refer to the ſentiments of an Author, for whom Mr. *Burke* has a double motive of partiality: as he was a man of the moſt *claſſic* taſte and ſtyle, and a *Biſhop*: and in other reſpects he was ſuch a man, that his opinions, in general, have no need of partiality to ſupport them. If another *Milton* were to ariſe, and give the world a *Defenſio Populi Gallicani*, he might quote them without any alteration.

*Una omnibus* Libertas: *una generis* Nobilitas *ab antiquiſſimâ ſtirpe deducta*: nulli *inanes tituli, aut falſa gloriæ inſignia: vix ulli honorum et dignitatis gradus; niſi ut cuique ex* VIRTUTE, *prudentiâ, provectâ ætate, aut* BENE GESTA REPUBLICA *acceſſere.* Lowth, de S. Poeſ. VII.

of

of acquired wealth,—official conſequence in its ſeveral diviſions cloſes the rear, brilliant with the derived luſtre of regal power: and a column is almoſt latent in the centre, conſiſting of thoſe who have the natural endowments improved by application and experience. Theſe are poſted, like the doubtful troops arranged by the advice of *Neſtor*, ſecured on both ſides by legions of ſure truſt: and I believe it is found theſe tactics have their effect; not only to ſecure but to aſſimilate: this iron phalanx, ſo unimpoſing in its exterior, melting into the ranks which ſurround it; till the blaze of gold, and of plumy helms, and of ſilken ſoftneſs, blends, in much leſs than a ſeptennial probation, nearly the whole into perfect union. At preſent, fine as it is in the brilliant delineation of Mr. *Burke*, it has but one ray, and that faint, of the character of a popular Aſſembly. But grant that every thing had been added to the deſcription of the Britiſh Legiſlature, which could have conveyed the moſt auguſt and venerable idea: grant that Mr. *Burke*, to rank, and opulence, and cultivated talents, (I now take leave to marſhal qualities according to their natural connection,

and to place abilities next to virtue) had added all which could be ſelected of wiſdom, integrity, patriotic ſpirit, fidelity to the Conſtitution, reſpect to public ſentiments, attachment to popular rights, of which the Repreſentatives of the Commons are the immediate Guardians:—might it not have been ſaid, this is not a mode of oppoſing the character of the Parliament of *Britain* to the *National Aſſembly* of *France*; by ſelecting the good only of one, and the evil you ſuppoſe in the other: by heightening on the one ſide all the ſhades of evil, and ſpreading them over the whole maſs; while on the other, the lights are thrown with the ſame laviſh indiſtinctneſs of colouring.—But it is not for a good citizen to lower the eſtimation of the Legiſlature of his country. Doubtleſs not, by unjuſt and licentious Repreſentation. And is it then for a man, who feels himſelf a Member of that univerſal Community, over which the ſupreme Providence*, the impartial and infinitely benign parent of all nations, preſides, to chuſe the Conſtitution and Legiſlature of another Country, approved, he

* Letter I. p. 134. 145.

acknow-

acknowledges by the majority of the Nation, for the object of ungoverned ſatire?

Mr. *Burke* could in his former Letter *. ſpeak with complacency of the puniſhment inflicted for diſreſpect againſt a diſtinguiſhed individual of that Nation: can he then think the utmoſt poſſible contumely towards the *repreſentative Majeſty* of the *People* of *France* †, perfectly authorized by the Law of Nations; entirely conſiſtent with his ſenatorial character; ſtrictly correſpondent to his perſonal ſentiments, (ſuch as they would be if the conduct of any other ſovereign power were in queſtion) and his reflective approbation. Mr. *Burke* has here taken leave of the precept of his friend *Horace* ‡, as uſeful to the Orator as to the Poet, *Non ſatis eſt pulchra eſſe poemata dulcia junto*. There is not much of ſuavity in his animadverſions on the National Aſſembly, addreſſed to one of its Members. And with reſpect to the *King*, circumſtanced as the panegyric is on him, it may be far more diſpleaſing to him, than the ſatire on the National Aſſembly to them.

* P. 124, 5. and nearly throughout.

† Letter II. p. 3, 10, 36, 42,

‡ Letter I. p. 115.

Any

Any death, any degradation would be preferable to meriting ſuch an explanation of his conduct, and its motives, as Mr. *Burke* has given. By the Inſtructions annexed to the *Appendix*, by his deportment originally, and at ſeveral momentous periods of this great era, he appears deſirous of other remembrance with poſterity, than that of Deſtroyer of the Conſtitution, which originated in a repreſentative Council called by himſelf, organized with his concurrence, their Acts adopted by repeated ſolemn teſtimonies of aſſent, approval, ſatisfaction; and lately, in particular, when he came to the National Aſſembly, with this intent; in a manner, as free from all circumſtances of reſtraint, as the King meets the Parliament in this Country. If there be any thing that can be diſproved in theſe aſſertions, I wiſh it to be encountered by facts: it cannot be weakened by declamation, however ſpecious, however captivating.

One obſervation I found, however, which ſeemed ſo favourable to peace and order, that I was pleaſed indeed *; *that a raſh recourſe to*

* P. 5.

*force*

*force is not to be juſtified in a ſtate of real weakneſs*; but that Reaſon is to be hazarded though it may be perverted; for Reaſon can ſuffer no loſs nor ſhame, nor impede any uſeful plan of future policy. Many thought that the former Letter blew the trumpet to ariſtocratic hoſtility, and called forth the ſword of civil war; as far as the ſuggeſtions and declamations of a diſtinguiſhed foreigner could contribute to this effect in *France*. I had hoped almoſt (notwithſtanding what I had heard and expected of the tenor and ſpirit of the Letter before me) that whatever there might be of ſarcaſm or of graver vehemence, time and reflection had ſo far prevailed, that the *olive* was thought a better gift than the *ſteed* impatient for *battle*; the civic oak than the ſword. But I was miſtaken:—a foreign force, conſiſting of the armies of as many kingdoms as eloquence thus employed can unite in ſuch an enterprize, it is recommended to *France* to receive into her boſom, as the proper and only remedy her ſituation admits; and as a debt of compaſſion to thoſe *malecontents* who have quitted her, or who ſtay behind and cannot ſubvert the Conſtitution, unleſs

unleſs ſhe will indulge them by embracing this pious aid.

To this ſervice *Pruſſia* is particularly adjured: *Germany*, or I ſhould rather ſay, the *Emperor*, and *Britain*, or its *Monarch* (for as to Nations what have they to do but implicitly to adopt the feelings of their ſovereigns) theſe and all other princes are to receive the conſecrated banner from the promulger of the *Croiſade* of the *nineteenth* century; to pour their united force on *France*, to execute the vengeance of relentleſs *Eccleſiaſtics*, (if ſuch there are) and of ſuch of the *Nobleſſe* as ſhall be content to repurchaſe partial, and comparatively at leaſt, worthleſs privileges, at the price—if even that would purchaſe them—of ſubjecting the glory and independence of their country, and that high ſpirit which alone can protect the name of Nobility from diſhonour, to the ignominious neceſſity of being indebted for their fate, whatever it ſhall be, to the over-ruling preſſure of an external force: or I ſhould have ſaid to the reſult of a ſanguinary conflict between the friends of the Conſtitution, and its domeſtic and foreign Enemies.

I will

I will not haſtily ſuppoſe, that the *King*, *Parliament*, and *People* of this country, that *Pruſſia* or *Germany*, or the Government of any other ſtate, can be induced to commit the public honour and welfare in ſuch a quarrel. If I were to imagine ſuch an attempt, I ſhould ſuppoſe there are not many perſons in this iſland capable of feeling the value of Liberty, who would not ſooner die than acquieſce in it. But with Mr. *Burke* *, the mixed horrors of civil war and foreign invaſion, have too weak an effect. It is to be a war without a name, ſomething of which the law and practice of civilized nations has no idea—ſomething only to be deſcribed as "*unmodified hoſtility*; *military execution without battle*;" the inceſſant boundleſs reciprocation of "*new revenge*"—"hell hounds uncoupled, unmuzzled," and urged furious on their prey: which hounds like theſe, are ſuppoſed not prepared to ſeize with ſufficient violence without vigorous incitement. I think it preferable to ſuch an experiment, that the Conſtitution of *France* ſhould remain undiſturbed; and that even the beau-

* Page 45.

ties

Rousseau.



ties of a *third* Letter, would be a dear purchaſe to thoſe Potentates whom it ſhould tempt to the trial. But ſpiritleſs certainly on ſuch a ſubject, would have been the ſentiments and language of ROUSSEAU: on this picture of ſubjugation and deſtruction, thoſe who can look with complacency, and approve the deſign and execution, and applaud the tendency, I ſhould not expect to be highly charmed with the *Heloiſe* and the *Emile*. The heart of *Rouſſeau* would have recoiled from the idea. I have no ill language prepared againſt the memory of *Voltaire*. His lively and penetrating genius, his knowledge of the world, the graces of his diction, the charms of his wit, the fertility of his fancy, if they often and eſſentially were of diſſervice to ſociety, were, however, in other and never to be forgotten inſtances, vigorouſly and effectually employed in the cauſe of humanity, of truth, and freedom. And I have learnt, that in the writings of men, the *Grave* is a ſevere and an impartial critic: what deſerves diſeſteem will have no long celebrity; but what has truth and ſocial good for its principle, and has been the emanation of a powerful mind under the influence of theſe motives, has

the germ of immortality: whatever of periſhable frailty may adhere to it will ſoon drop into oblivion. The fleeting forms of error change in every generation; a *wrong* is ever a confined and a capricious taſte. Nothing will generally and permanently pleaſe that does not derive itſelf from an higher origin. It is needleſs therefore to inveigh againſt the *dead:* thoſe, eſpecially, who have been poor and perſecuted, and traduced through life. Such, if they merit ſhame and neglect with Poſterity muſt of courſe meet it. Theſe are no impoſing circumſtances to create a falſe homage. But if they have deſerved the eſteem, the gratitude, the affectionate veneration of ſucceeding ages, no ſatire, no invidious exaggerated ſelection of their faults and errors, will check their career. The licenced cry which marks the commencement of their triumph, will be hourly fainter; and its laſt hollow murmurs will have expired without ever reaching that temple, in which their Fame, its ſolemn progreſs completed, muſt reſide, while aught of human glory beams on the earth from the aweful ſhrine. If men, in other reſpects, of wiſdom and virtue, have ſo far forgotten themſelves as to aid the cry,

thoſe tutelary Powers leave, at ſuch a moment, the ſide of thoſe whom at other times they may have moſt favoured. They add force to the ſacred ſound of juſt praiſe; and the din of their conſtant enemies, the haſty and eager clamour of their erring friends ſinks, loſt and undiſtinguiſhed, in the full harmonious acclaim.

For the moment, however, while the impreſſion can have any force, let the cenſure on *Rouſſeau* be fairly weighed. I call it cenſure: it might better be deſcribed by another name. Mr. *Burke* ſays, it is a ſubject of emulation * amongſt the leaders in the *National Aſſembly*, which moſt reſembles *Rouſſeau*:— that in truth they all reſemble him. If in depth and extent of views, intrepid diſintereſted ardour, in abhorrence of debaſing policy and of vile corruptions, if in a contempt of falſe, oppreſſive, contumelious diſtinctions, and a generous affection for the rights and native Dignity of man; if in the ſublime enthuſiaſm of an heart tranſported with the love of virtue; if in ſympathy towards the poor, the deſpiſed; if in the ſtrenuous and well directed aim that

* P. 31.

Truth and Freedom, and pure, and hardy, and ſimple manners, ſhall be inſpired in youth by every circumſtance of behaviour towards them, or in their preſence; if in regarding maternal tenderneſs, ſimplicity, ſincerity, as the higheſt charms of the ſex by whoſe ſentiments and diſpoſitions life is influenced, and ſociety affected from the firſt dawn to the period when the habits, private and ſocial, receive their determined character; if in preſenting to them the arms of a perpetual empire, not over paſſions which even in their height may conſiſt with diſeſteem; but over thoſe affections which purify and exalt the heart; if in engaging their attention from parade, and ſervile adulation, from affected and contemptuous gallantry, to regards ennobling the heart which pays, and that which receives them,—if in theſe they reſemble him, and I can believe that many in ſuch an Aſſembly do, they are worthy, in proportion to ſuch reſemblance, of their elevated truſt: they are Legiſlators, Citizens, and Men indeed. The kettles of the poor melted into ſtatues for *Rouſſeau*, tinkle with wonderful effect in the periods of Mr. *Burke*. The *Poor* would not devote the humble inſtruments of their comfort, but with

with hearts glowing with affection and gratitude, to the man who joined cordially in their induſtry, and their amuſements, who converſed with their children, who animated their healthy and innocent, and uſeful ſports, uſeful to the body and to the mind; to the individual and the Community; ſuch as cheriſh a vigorous ſpirit; unenvying, undaunted, unſeduced, unwearied; ſuch as nouriſh a ſympathy which chears the domeſtic hearth, unites the village, and combines as brethren entire communities; thence diffuſing itſelf with amity and active benevolence to the whole human race. Mr. *Burke* ſhould viſit theſe; he ſhould aſk of *theſe* what man was *Rouſſeau:* a ſtatue of him formed of materials ſo expreſſive of the zealous affection of the poor to his memory, I would prefer to a Coloſſus of ſolid gold erected by the joint Contribution of all the princes, nobles, men of opulence;—and men of letters, who can look up to rank and opulence with an eye more dazzled than becomes them. Such a Coloſſus, if I poſſeſſed it, I ſhould, without lamenting, ſee uptorn by a tempeſt with its baſe, and buried in the ocean;—even though the *Letter* on the *Revolution* of *France* were

inſcribed upon it, and where could that Letter be more ſuitably inſcribed?

If *Rouſſeau* was prevented from indulging the affections of a parent, what heart muſt not feel with pity and with horror, the ſevere privation to ſuch an heart as his. If he was excluded from exerciſing the duties of that relation, thoſe ſacred and conſoling duties, the beſt human refuge to a generous, exalted, and ſympathizing mind, amidſt ſufferings and calamities of every ſpecies, aggravated by envious inſult or more cruelly oſtentatious kindneſs, who muſt not lament!—A reaſon has been given for his unhappy determination with regard to theſe children; which ought not to have been with-held. That *hardneſs* of heart was not the cauſe, or a voluntary diſregard of paternal duty, thoſe who want arguments to be convinced may find them, if they have the candour to examine. To others there is a clearer and a ſhorter demonſtration.

His "*refuſing the tribute which opulence owes to Genius* *," may degrade him with ſome. Such tributes *may* honour the giver

* Page 35.

and

and the receiver; but in general they expoſe the vanity of the one, and the meanneſs, the unworthy humiliation at leaſt, of the other. *Phocion*, *Socrates*, *Epaminondas*, and *Fabricius*, knew that ſuch tributes are generally the ſubſidies which wealth and power pays for the purchaſe of a claim to treat Genius as it pleaſes, and to employ its ſervices for any the moſt ſordid and worſt purpoſes; or to tax it with ingratitude and perfidy if it refuſes. Where has *Rouſſeau* pleaded *beggary* as an excuſe for any thing? Manly and independent, and ſtrenuous poverty, is not to be confounded with the ſordid dependence of abject lazineſs. The word never will make its way into our dictionaries in ſuch a ſenſe, however recommended by the authority of Mr. BURKE. He is accuſed of ſubſtituting ſenſuality for love; ſome of his too voluptuous contemporaries * have accuſed him of exactly the reverſe; of exchanging *la Phyſique d' Amour* for ſentiment; which they think a bad exchange; the *Venus parabilis faciliſque* being their *ſole Idol:* which have underſtood him beſt, a very little patience and candour will decide.

* P. 39, 40.

He is arraigned as a *Teacher* of *Seduction* *, aggravated by the confidential and venerable relation of a Preceptor. An heavy charge: if it had truth, or the ſemblance of truth, to ſupport it. That men who have not acquired the command over their paſſions, ought not to truſt themſelves as Preceptors to the innocent and amiable Daughters of thoſe who would inconſiderately invite them to ſuch an employ; that Virtue may ſecurely reſiſt the attractions of Vice, but ſhould dread the influence of a pure and incorrupted heart, which betrays, and is betrayed without ſuſpicion of the danger; this to me is the *Morality*, this the *Philoſophy* of the early part of the *Heloiſe*. That where the Heart has *erred* only, and has not been *corrupted*, Virtue may remain under the guard of principle and of modeſty: that it may eſtabliſh its future ſecurity on this glorious baſe; but can never perfectly recover tranquillity, till the near approach of death confirms to it the ſeverely purchaſed prize: that duty and gratitude, in a pure, firm, and exalted mind, may ſupply the place of ſentiment and inclination; and may guard

* P. 37.

even

even the *will* itſelf from a return to error, even in the moſt dangerous ſituation:—that there is an enjoyment in the conqueſt over unauthorized affections higher than the utmoſt indulgence which the ſenſes and the paſſions can ever know; that there is a Friendſhip, the reſult of confirmed eſteem, more tender, more tranſporting, than the moſt delicate ſenſibility of Love itſelf, in all its hopes, and in all its triumphs; and at the ſame time pure, elevated, unalterable, the ſupport of virtue, the inſpirer of heroiſm, the uniter of the ſoul to the perfections of the Deity: and that if any thing can expand a mind ſhut from the chearing hope of futurity, by the confirmed habit of ſpeculative Atheiſm, ſuch conduct and ſuch a death as that of the wife of *Wolmar* MUST:—theſe I apprehend to be the inſtructions which ſuggeſt themſelves from the progreſs and the cloſe of that admirable Work. I acknowledge the danger of ſome few Letters in the beginning of it: Perſons who are in early youth, are not in a ſituation for the peruſal of thoſe Letters. But they are warned abundantly of the danger. Thoſe who have modeſt and virtuouſly diſpoſed minds, will

not reſort to the *Heloiſe* for Leſſons of Corruption. It is not a Preceptor of ſuch a kind for them. They are volumes from which none but the moſt depraved imagination and corrupted heart would ſelect incentives to criminal indulgence, when the amiable and ſublime form of Virtue every where appears in all her celeſtial beauty.—If *Heloiſe* had not erred, but had reſcued herſelf from the danger when it was become greateſt, the compoſition would have been apparently more unexceptionable; but I believe, more dangerous and leſs inſtructive. It would have then repreſented how much may poſſibly be hazarded without actual deviation. To the young and inexperienced, I know not any leſſon ſo much to be avoided as this. Generally, all would be loſt by thoſe who ſhould liſten to it; or, however, all that is moſt valuable; the perſon might be inviolate, while the mind had yielded to abaſement. This dangerous leſſon cannot be imputed to the *Heloiſe*.

There are innumerable productions which the ſeducers of innocence, the corrupters of fidelity, will ſtudy and will countenance, and will recommend by every mode of inſinuation.

tion. But to ſay of *Rouſſeau*, and to inſtance in the *Heloiſe* *: that *he makes even virtue pander to vice* †, is to reverſe all reality: he makes

* P. 42.

† I can riſque, though it is at great peril, to the fame of *Rouſſeau*, and at ſome little hazard of ridicule to myſelf, if not at *Paris* at this time, (which probably too theſe Remarks may not reach) yet however at *London*, where the ſtern and auſtere Virtues are not become faſhionable, I can ſtill riſque quoting a paſſage from this *Teacher* of *Seduction*, whoſe writings are repreſented as making Virtue pander to Vice. Some I have ſeen of the ſex—and thoſe young—who would have given the doctrine it contains a ſmile, not of pity, of raillery, or of contempt, but of complacency and real approbation. Some who have thought that very anecdote of ancient Hiſtory to which it refers, one of the moſt worthy of their attention and preference in ſelecting. But none, who on reading what I ſhall now preſent, would have paid, ſeriouſly, and *de bonne foi*, to the Author, the compliment which a Lady is ſaid to have paid to Dr. *Johnſon*, and have remarked——" *Indeed he is a very ſeducing* " *Man* ‡."

" Je n'ai nul deſſein de faire ma cour aux Femmes. " Je conſens qu'elles me honorent d'epithet de *Pedant* " ſi redoutée des tous nous galans Philoſophes, §" (Sûrement Mr. *Bourke*, puiſqu'il fait ſi peu de cas de Philoſophes Modernes, galans ou nemi, ſe range içi, par pure

‡ Boſwell's Life of Johnſon. I need not quote pages of a Work, that will be read again and again, by Readers of all deſcriptions.

§ Oeuvres de Rouſſeau, 1764, T. 1. P. 241.

politeſſe

makes even error, and that error moſt difficult to be reclaimed, an awakening and moſt powerful Monitor of Virtue. The general

politeſſe, au parti de ces Dames.) " Je ſuis groſſier, " mauſſade, impoli par principes, et ne veux point de " proneurs; ainſi je vais dire la verité, tout à mon aiſe."

I ſhall tranſlate the reſt.

" The ſexes are formed by Nature for mutual Love " and Union; but beyond the bounds of that legitimate " Union, all commerce of Love between them is a " dreadful ſource of diſorder in Society and Manners. It is " certain, that women only can recal Probity and Ho- " nour, and cauſe them to reſide amongſt us. But they " diſdain from the hand of virtue an empire they chuſe " to owe only to their charms.——Often they receive " the puniſhment of ſuch a preference."

" It is inconceivable how, in a religion ſo pure, Chaſtity " can have become a baſe and monkiſh Virtue, capable of " rendering ridiculous every man, and, I would almoſt ſay, " every woman, who dares to pique herſelf on the obſer- " vance of it; while among the Pagans, this very Virtue " was univerſally honoured; regarded as a quality proper " to great men; and admired in their moſt illuſtrious He- " roes. I will name three, who will not yield precedence " to any; and who, without Religion being concerned in " the ſacrifice, have all given memorable examples of con- " tinence. *Cyrus*, *Alexander*, and the younger *Scipio*. Of " all which is rare and curious in the cabinet of the King, " I would wiſh only to ſee the ſilver buckler which was " given to this laſt by the ſtates of *Spain*; and on which

" they

neral ſpirit and tendency of his writings is moſt dreadfully miſrepreſented. For an inſtance of this I ſhall take the moſt obnoxious of his Writings: and as Mr. *Burke* has been pleaſed to uſe ſuch language * in ſpeaking of the *Confeſſions*, I ſhall ſay only, to thoſe who are ſo depraved and baſe, as to flatter themſelves with the vile caſuiſtry of conſulting Precedents, how far they may be guilty, what errors and exceſſes they may indulge, and then

" they had engraved the Triumph of Virtue.—Thus it " became *Rome* to ſubdue the Nations, as much by the " veneration due to their manners, as by the force of their " arms: thus were the *Faliſci* conquered, and the Victor " *Pyrrhus* driven out of *Italy*."

I think I have gained my cauſe, on the charge againſt *Rouſſeau*, as a Teacher of Seduction. An Author who writes to teach ſeduction, does not think and write thus. But I doubt I have loſt him all the *Beaux*, (if any Beau can be ſo miſemployed as to read my book,) and, I fear, ſome of the *Belles*. It is of no great importance to me, or to his memory, if I riſque what I ſhall never obtain, and what he deſpiſed,—the countenance of Faſhion,—in defence of truth. I do ſuſpect the attack againſt ROUSSEAU was originally ſevere in ſuch an unparalleled degree, not for the evil, but for the ſignal good contained in his Work; the intrepidity and force of reaſon and eloquence with which he oppoſed himſelf to the moſt favoured cauſes of domeſtic and ſocial miſery.

* P. 15.

aſk

aſk the world, "*am I worſe than Rouſſeau?*" —It is a very bad book. But to ſuch hearts and heads, what book would be a good one? I would ſay to theſe—aſk your hearts: let them inform you, what right you have to compare yourſelves to that man. Did he ſtudy what inſults he might cooly and deliberately offer to Virtue? Did he tarniſh her image in his heart—that image which he venerates and unveils to the homage of mankind, anxious not to intercept a ray of its divine ſplendour, whatever confuſion it may dart upon himſelf. Did he attempt to obſcure its piercing and ſalutary luſtre, by piling up Clouds before it, of Errors rendered ſpecious and half illuſtrious by great Names. Baſe Diſſemblers with yourſelves and the World: miſerable Profaners of that Light which the Creator has diffuſed over the Earth; the Light of Reaſon, of ſimple Truth, of Conſcience. Mention not *Rouſſeau* as an apology for ſuch deſpicable Evaſions.—To others it is a bad Book: to thoſe who are hunting to confirm a theory—not founded in the happieſt experience of their own boſoms—of the univerſal Depravity of Mankind. Such will overpaſs whatever will not favour their ſyſtem,

ſyſtem, and ſelect, combine, exaggerate, whatever will. To *another* Claſs it is a bad Book: thoſe who believe the Exiſtence of Virtue; but are pained with its ſuperiority when united with extraordinary Genius. Theſe will lament, and be aſhamed; and be ſorry that they have not more for lamentation and ſhame, and triumphant condolence over the ſad imperfections of poor human Excellence. To ſtill *another* deſcription it is a Book to be avoided: thoſe who are too honeſt to ſay that they deſpiſe and abhor *Rouſſeau* on the account he has given of himſelf, and are yet too *timid* to declare that they reſpect and eſteem him notwithſtanding. But to ingenuous, ſimple, firm, benevolent, comprehenſive and elevated Minds, I preſume that it is not a bad Book. They will regret, they will pity: they will ſympathize with a great and generous Mind, expoſed to every ſtorm, and tried by every ſtrongeſt temptation; left to its own direction, when the ſenſibility of youth, and eſpecially in ſuch a temperature as his muſt have been, has moſt need of protective counſel. Erring, and in the extreme unhappy; as far perhaps as unhappineſs can be the lot of ſuch a Mind;

ſuffer-

ſuffering indeſcribably for its errors; and in a very intenſe degree for its virtues, and its efforts to enlighten ſociety; its contempt of diſguiſe, its high ſentiments of friendſhip: yet leſs affected by the conſequences of its faults, than by the ſenſe of the faults themſelves: content to loſe the external rewards of Virtue, to endure the inſulting calumnies which Vice and Ignorance could raiſe againſt him, if his heart in ſolitude ſpoke peace to him as Virtue's Friend: faithful to the dignity of the ſpecies when it had been moſt outraged, and with the greateſt injury to himſelf: his ſoul ardent in the contemplation of what ſeemed to him eſſential to their freedom, their happineſs and their perfection, when fraud or force, and proſcription, and execration, and contumely, never ceaſed to purſue his Perſon, his Writings, and his Name. His Perſon is at reſt from their purſuits: his Writings have nearly paſt the *ordeal* of their injurious malignity. His glory will be interwoven with the felicity of Nations; and will flouriſh when the Empire of Tyranny ſhall be no more. This in the mean time we may aſſure ourſelves, if no perſon ſhall leave behind him a Book ſimilar to this of

*Rouſſeau,*

*Rouſſeau*, ſo opprobriouſly daſhed againſt his Tomb by the Revilers of his Memory, till a Man ariſes equal to him in genius, in ſenſibility, in love of virtue, and at the ſame time in circumſtances and ſituation ſo unpropitious to conduct, ſo hazardous to principles; equal to him in misfortunes, in ſufferings: as much a Friend to human Nature, and as much traduced and perſecuted, it will have been a bequeſt not ſoon repeated. The concurrence of all theſe circumſtances would be extraordinary indeed: and there ſeems to be a progreſs of Society, to which he has illuſtriouſly contributed, that will render the diſtreſſing points of coincidence leſs and leſs probable in every ſucceeding age.—Who will not be aſtoniſhed, of the unprejudiced and diſintereſted, that Mr. BURKE can find hardly any thing in ROUSSEAU applicable to real life and manners:—nothing from which we can dream of drawing any laws of conduct, or fortifying or illuſtrating any thing by reference to his opinions, who, when he appeals to *Horace* *:—in reality for what? For the cenſure of a very different ſet of writers: the inven-

* Letter II. p. 41.

tors of dry, cold, abſtract paradox, whoſe doctrines were conveyed in a manner too enigmatical * and unaffecting. But that *ſenſe* and thoſe *manners* on which the opinions of *Rouſſeau* have no hold, that utility which dares not to try itſelf by his principles, it may be difficult to explain:—except indeed to men of the world: to confirm their ſentiments and practice, *Rouſſeau* certainly did not write. To make a fortune, an intereſt, a party, a reputation of *eclat*, he

* Mr. *Burke* would have done better to quote the preceding Line:

*Queis* PARIA *eſſe ferè* placuit PECCATA, *laborant.*

*Quum ventum ad finem eſt: ſenſus moreſque repugnant;*
*Atque ipſa Utilitas, juſti prope Mater et æqui.*

It has been the unpardoned offence of *Rouſſeau*, that he has repreſented crimes as more ſhameful than errors: and has appealed from the Judgment of depraved Society (or the Practice rather than the Judgment even of the moſt depraved) to the unprejudiced ſuffrage of the Heart. The ſenſe and uncorrupted manners of mankind, that *utility* which is general and perpetual, and no other can deſerve to be dignified by the appellation of *juſti mater et æqui*, are with him. The *Paradox* of the *paria peccata*, does not affect him. It concerns others to anſwer for a worſe *Paradox*, than even that: the *Paradox* which treats the Errors of Innocence and Inexperience as irremiſſible; and offences of a very different denomination as light and inſignificant.

has

has left to others to teach. The principles of true honour, fidelity, probity, pure and generous ſympathy, ſincerity, independence, juſtice, magnanimity; of reſpect and benevolence to men, as men; of ardent and enlightened zeal for the beſt intereſts of ſociety, he has more than taught. If there is any vigour, clearneſs, virtuous animation in the mind, all theſe qualities acquire from him a new force. It is not pretended, it may be ſaid, that he teaches Prudence:—but he teaches that Freedom, from artificial and oſtentatious wants, which enables Prudence to be practiſed. He teaches that which is the ſublime Prudence of the wiſe and good, to avoid placing themſelves in circumſtances hoſtile to their Principles, to avoid giving way to the firſt tendencies to deviation.

How, from the examples which his Genius makes preſent with us, and gives to them a perſonal influence and authority, like that of the neareſt Friends, do the ſupreme ſatisfactions of Innocence and Virtue pervade the ſoul; with what a ſublime enthuſiaſm has he filled the heart with the ſole felicity in which it can perpetually acquieſce, and made us feel the utmoſt ſacrifices that can

be offered to Virtue, as its higheſt endearments:—and thoſe duties, the moſt ſacred, the moſt important to individuals and to ſociety, with what grace and dignity do they ſhine forth? How ſuperlatively does their obſervance reward its unalterable votaries? How glorious his combats againſt errors in ſociety the moſt countenanced, and prejudices the moſt ſeducing and triumphant. And to the *morals* at leaſt of Chriſtianity, he has given a teſtimony, impoſſible to be contemplated with indifference, by the coldeſt heart:—of the wiſdom, the benevolence and tranſcendant fortitude of its great Teacher, he has ſpoken in a language of the moſt animated and impreſſive admiration.

A mind vicious and deliberately corrupt, to the degree Mr. BURKE is pleaſed to repreſent *Rouſſeau*, muſt ill ſupport itſelf in a long retirement; muſt be ill adapted to the aweful calm of Solitude and of Nature. It is impoſſible, however, to read the four Letters to the Preſident *de Maleſherbes*, after *ſeven* years retirement at *Montmorenci*, without the moſt ſenſible emotions: without the deepeſt impreſſion of affectionate eſteem. The Man who for ſeven weeks only ſhould have formed

ed and cheriſhed in ſolitude, ſuch a temper of mind, as he, in the midſt of poignant ſufferings, preſerved during thoſe years, is no object of ridicule, of abhorrence, to any who, to ſay the mildeſt, have not imbibed prejudices which deſtroy all the colours, invert all the appearances of nature and of truth, relative to the ſubject againſt which their prepoſſeſſion is indulged. By thoſe who permit the emanations of a ſublime and benevolent mind to reach their hearts with the genuine force of ſympathy, the goodneſs and the purity of his will be felt. Purity I repeat, if a mortal may preſume to apply the word to mortality: for we are not ſpeaking of unmixed intellect: we are ſpeaking of man: whoſe pureſt ſtate on earth is not the exemption from all error and moral evil; but whoſe heart has then the purity proper to its nature, when its paſſions, intenſe as they may be,—and they are uſually in proportion to the other powers of the mind,—are exalted into affections the moſt diſintereſted and comprehenſive, and are all ultimately abſorbed in the Love of Virtue, and of univerſal Good. It is idle to aſcribe the influence of *Rouſſeau* on the mind, to a ſecret charm in

the language; though all the graces of that language, enchanting as it is, breathe in his diction and compoſition. But when theſe ſubordinate attractions are abſent, as they not unfrequently are, when the ſtyle is negligent or harſh, the commanding influence continues ſtill. It is ſtill *Rouſſeau*—the heart anſwers him. His diffuſion is often energetic, becauſe characteriſtic of the perſons whoſe ſentiment, and the modes of expreſſion natural to it, he repreſents: his ſubjects comprehend whatever can deeply intereſt, or call forth into the moſt powerful exertion, the underſtanding, the imagination, and the heart. Actuated by the moſt expanſive thoughts, and higheſt emotions, his repoſe itſelf has all the character of the pathetic and of the ſublime. He has few reſting places for the fancy of a Reader, who muſt be amuſed by the artificial intereſt of ornamented trifles. When he deſcends to what would be trifles, if embelliſhed, he recommends them by the moſt engaging ſimplicity: he gives them life, and character, and manners; and aſſociates them with whatever he has endeared to us:—*ſenſibility*, *virtue*, *goodneſs*, the contentment and *full complacency* of the pureſt hearts. This

is

is the Magic of *Rouſſeau*. Subſtitute other words: break his periods: (of which the harmony ſtops not at the ear but penetrates to the ſoul) read him in what Tranſlation you will: or make as bad a Tranſlation as perverſe induſtry may contrive, if it be but faithful to the ſentiment, you will not have ſubdued the enchantment. And in conformity to the principle on which it depends, the effect is permanent. There are many very agreeable and even elegant Writers, who may be read without a wiſh to reſume them: from whom we may be called away without impatience at the interruption: to whom we return with diminiſhed ſatisfaction, and with ſome degree of wonder at the effect of paſſages which at firſt ſeemed to delight us. There are ſome only for the young; the ſuſceptible: others only for the contemplative and abſtracted: ſome for the obſerver of the active and buſy world; others for the admirer of ſimple Nature alone; ſome for the Taſte enamoured with the Charms of Compoſition, of Muſic, and the other elegant Arts; ſome for the Moraliſt, others for the Politician: others for the metaphyſical Rea-

ſoner; others for thoſe Minds which glow with the vivid perception of Virtue, of Beneficence, and feel the energy of the ſupreme good without the aid of Reſearch? By which of theſe can *Rouſſeau* be diſregarded? Read, and then judge: this is all that I wiſh of thoſe who would entitle themſelves to decide. He has hitherto been judged on Rumours, and on the authority of ſtudiouſly diſſeminated prejudices, by thoſe who never read him; or who read partially detached paſſages; or who recollect at a diſtance, what they have read long ſince, and whoſe remembrance is tinctured with their intermediate views and ſentiments, and their preſent ſyſtems, and the antipathies connected with them, from which it were well, if minds of much experience and cultivation were more generally exempt than they are found to be.

In his maſtery over the human heart, I know not to whom to compare *Rouſſeau*. He has, when the ſubject calls it forth, the force and elevation of *Demoſthenes*. The command of the *Athenian* is over the great public paſſions. What dominion over theſe would

would the *Citizen* of *Geneva* * have exerted if he were now living in this great tendency of the world. He who could re-animate *Fabricius*, and give a language to his ſentiments which would have been heard with rapture and aſtoniſhment in the Senate of *Rome*, in the Age of *Scipio*. In the *Extent* of his influence over the heart, *Rouſſeau* reſembles *Shakeſpeare*. But what Author like *Rouſſeau* has allied Purity with Ardour, Philoſophy with the Paſſions; and raiſed the ſublimeſt Temple to *Virtue*, ever edified by a mortal hand, of materials which ſeemed only capable of furniſhing a frail Aſylum to error and infirmity, and fugitive pleaſure; ſoon to be deſtroyed by regret and deſpair. *Richardſon*, the ſublime *Richardſon*, in creating by the energy of a ſingular mind, the *Clementina* and the *Clariſſa*, perhaps kindled that Enthuſiaſm which produced the *Heloiſe:* yet there is nothing of imitation: the character of theſe wonderful productions is perfectly diſtinct. The tender, the melancholy, the empaſſioned;—and when tranquillity emerges from

* *Infelix Patria! ne oſſa quidem ejus.* But he did not ceaſe to love his Country, even when the intemperance of their zeal compelled him to renounce it.

the

the dreadful ſtruggle, a ſerene which is felt through the ſoul, characterize the *Heloiſe*. How naturally, from ſimplicity and innocence, and a pure but fatal ſenſibility,—that moſt precious but moſt dangerous and terrible of the gifts of Heaven,—from the amiable Friend, the affectionate Daughter, the Mind ſtudious of improvement, but not emulous of celebrity, and more pleaſed with eſteem than admiration, riſes the diſintereſted, the awful, the ſublime *Julia*. With an heart incapable of happineſs or repoſe, but from the conſciouſneſs of merited affection, her mind expands and elevates itſelf in proportion to the effort required. We ſee *Clementina* ſupported by the principle of delicate and jealous honour, and that difference of religion which muſt ſo ſtrongly affect her. We obſerve in *Clariſſa*, a temper leſs liable to ſurprize than that of *Julia*, naturally leſs ſuſceptible of emotion, and by habit and education more guarded: yet perhaps, the ſuffering herſelf to be carried off by *Lovelace*, is leſs to be reconciled to the principle and prudence, and delicacy of ſuch a mind ſo circumſtanced, than the fatal interview with

St.

St. *Preux* *. At leaſt, *Julia* is reſtored by *Love* itſelf to the elevation from which Love had ſeemed to have diſpoſſeſſed her. We judge of its purity by an effect ſo glorious.

I mean no invidious compariſons. I regard *Shakeſpeare* and *Richardſon*, as in the firſt claſs of that order of Genius, an higher than which perhaps does not exiſt within the reach of the human mind. True Genius is independent; and has nothing of the ſpirit of Deſpotiſm. Each man has his own poſitive title to eſtimation: the immortal wreaths ſuffice for all that can deſerve them; not like the diadem of oriental pride, which inveſts one brow with partial and invidious glory. *Rouſſeau*, with the diſintereſted firmneſs of a noble ſpirit, reprobates, as the bane of education, of manners, and of Society, that honour which is merely relative, and depends upon a conflict of rival excellence. Let the

* *Hortenſius*, in Mrs. CLARA REEVE'S *Progreſs* of *Romance*, ſays much for the *Heloiſe*; with much ſpirit and good ſenſe. *Euphraſia*, who appears very guarded in her approbation, acknowledges herſelf convinced, that he did not intend to hurt the principles or morals of mankind: with an indignant remark, that thoſe who write only for depraved and corrupted minds, ſhould dare to appeal to *Rouſſeau* as a precedent.

defects,

defects, the vices, ſtruggle with each other:—where nothing is great and reſpectable, and all muſt conſole itſelf, by finding ſomething more inſignificant and baſe: the real conteſt of excellence is within itſelf; not a competition for triumph over congenial powers. This is beneath its character; and, from the neceſſary diſſimilarity of great and original talents, unſatisfactory at laſt.—I mention them not for the purpoſe of founding the fame of *Rouſſeau* on the demolition or diminution of any other fame: (I ſhould thus have been too far from his ſentiments to deſerve to place myſelf with thoſe who would vindicate his memory) but to illuſtrate this propoſition, that the principles which give ſuch energy to his admirable works, are of a character perfectly appropriate, and diſtinguiſhed from every other by eſſential differences.

But to judge duely of his Genius and Merit, and to form an idea how aſtoniſhingly the vehemence and marked antipathy of Mr. *Burke*, now thirteen years after the death * of *Rouſſeau*, blazes forth on the event of the *Revolution* in *France*, look to the *Emile* and to its

* On the 2d of July, 1778.

aſtoniſh-

aſtoniſhingly pathetic ſequel; to the celebrated diſſertation which obtained the fatal prize at *Dijon*; a chief ſource of the calumnies and cruelties againſt its Author which have not yet ſubſided; to his Letters on the *Theatre*; on the queſtion, *whether there is a fixed Principle of Moral*; on *Providence*; to his SOCIAL COMPACT: which, even were it alone, merited Statues wherever there are men friendly to the Freedom, the tranquillity, and advancement of human nature. Look even to his Works of Amuſement; and particularly his *Divin de Village*, that charming picture of innocent ſimplicity and rural happineſs, oppoſed to the frivolity and ſeducing pageantry of Cities:—his Letters on *Botany*; a ſtudy to which no vitiated heart would have given the charms which he has given it. See in the *Heloiſe*, what eaſe and freedom, and elegant ſimplicity; what a pure, tender, and elevating Beauty in the Garden, which his creative imagination has formed for *Julia!* What painting of the great, various, and wonderfully impreſſive Beauties of *Switzerland*. What energy in the aweful view of the rock and torrent at *Meillerie*. What harmony between the horror of the proſpect,

and

and the dreadful purpoſe ſuggeſted by it. What an inexpreſſibly affecting calm in the Voyage by Moon-light on the Lake to *Clarens*, which ſucceeds this tremendous conflict between Paſſion and Virtue!—If ever POET—for this is Poetry indeed in whatever form conveyed—purified the Heart by *Terror* and *Pity* *, ROUSSEAU has glorioufly performed that ſublime Work. Look to numberleſs incidental paſſages in all his works, where the heart breaks forth unſtudied and without diſguiſe:—then ſay, whoever you are, that your affection to virtue is more animated, more unſubdued by calamity, by calumny, by the diſappointment of your deareſt hopes, more vividly and more variouſly exerted on the great intereſts of ſociety, and of man, than that of *Rouſſeau*.

I will not ſtop to diſpute about the taſte of ſuch a Writer. Thoſe who can introduce the Myſteries of *Lucina* †, the Myſteries of *another* Goddeſs ‡ whom it is not uſually permitted to name, much leſs to diſcloſe her Rites with ſuch total unreſerve,—thoſe who

* *v.* Mr. *Burke*'s Alluſion to that celebrated Paſſage of the *Poetics*.

† P. 25. ‡ P. 35.

are

are equal to ſuch embelliſhments, and many ſimilar, in Letters on the *Revolution* of *France*, may have a better taſte than *Rouſſeau*; if it ſo pleaſes the Arbiters of Taſte,—they are at the head of thoſe Arbiters—to decide. A different taſte from *Rouſſeau* they have certainly. They may impeach—I will not ſay *impeach*; for I truſt and I believe they execute that duty with a better ſpirit. But the Man who has impeached in the Name of the *Commons* of *Great Britain*, is pledged to the *Community* by that Act, to ſuſtain, in the accuſations he ſhall make elſewhere, and in his whole life, the gravity, impartiality, and temper of that aweful character he has taken on himſelf *.

Thoſe however who can ſatisfy themſelves that ſuch a charge becomes them, may *ac-*

* Omnes qui alterum, nullis impulſi inimicitiis, nullâ privatim læſi injuriâ, nullo præmio adducti, Republicæ cauſâ, in judicium vocant, providere debent non ſolum quid oneris in præſentia tollant, ſed etiam quantum in omnem vitam. Legem enim ſibi dicunt innocentiæ, continentiæ, virtutumque omnium, qui ab altero rationem vitæ repoſcunt. Verr. III. 1.

The *continentia* of the *Romans*, or ἐγκράτεια of the *Greeks*, was Temper and Moderation in every thing.

*cuſe*, amid their other charges of ſuch weight againſt him, ROUSSEAU of vanity. How the other charges have been ſupported the Reader will judge: I will not ſtay to defend him from this, by enquiring whether Vanity can fix her abode in a mind, ſimple, comprehenſive, elevated as his. But it is not vanity, it is not any extravagance or perverſity of the human mind, for which a name, or a diſtinct explanation has been found, which could ſuggeſt to a Man and a Writer, ſuch as Mr. *Burke*, ſuch an image as that of ROUSSEAU, "*flinging his life with a wild defiance in the face of his Creator, whom he acknowledges only to brave* *." This has nothing of the decency of taſte, or the dignity of accuſation; or even of the partial ſimilitude of ſuch ſatire, as wears the face or feature of probability. No wonder that the variety of *Rouſſeau*, inexhauſtible as it has appeared to me, ſeems confined, to thoſe who indulge themſelves in ſuch latitude. I would not have quoted ſuch a page, if it had not been neceſſary to ſhew to what temper a polite and cultivated mind had wrought itſelf to be duely qualified for this attack.

* P. 34.

I cer-

I certainly, as I have already declared my ſentiments, think *Rouſſeau* one of the firſt of Writers; modern, or even antient. That he has all the fire, and all the energy of eloquence. That he has a power not to be deſcribed, over the imagination and the heart. And I thought if no more could have been ſaid than this, that it ſhould have been abundantly ſufficient to reſtrain Mr. *Burke* from violating his memory by the appearance of contempt. For againſt *Rouſſeau*, what Man in any degree worthy to judge of him, can have more than the appearance of ſuch a ſentiment. I had thought that the ſympathy of Genius ſhould have been a ſtronger tie than the colliſion of temporary Politics, a cauſe of Diſunion. But whatever my admiration of *Rouſſeau* is in theſe reſpects, it is much higher towards him as an ardent Lover of Virtue; as a diſintereſted and unchangeable Friend to human ſociety; as a Man filled with veneration towards the Wiſdom and Beneficence of the Deity.—To the Man, the Patriot, the Citizen of the World; to the Anticipator,—in the midſt of the moſt pungent diſtreſſes,—of the felicity of the Univerſe—FRANCE has done well to erect

ſtatues: ſuperfluous to his fame; but juſt to herſelf and to the example ſhe owes Mankind. Theſe are my ſentiments: I have avowed, and I would maintain them, though I were certain that for defending his memory, I ſhould partake his lot.

With all theſe reflections on his moral character *, another is interſperſed on the ſoundneſs of his mind. Is this humane, is it conſiſtent, is it ingenuous? I thought theſe empoiſoned darts were confined to other warfare, and the hands of other chiefs. When ſomething of this kind ſeemed pretty plainly to be intimated in the former Letter, I would not ſuffer myſelf to interpret the expreſſions in ſuch a ſenſe, leſt I ſhould have been haſtily injurious. Mr. *Burke* has now ſpoken out in the fulleſt manner. I ſhall only ſay, that if he had written in *France* inſtead of *England*, and had repreſented events as he has done; if he had then ſaid he had ſeen the *Pillory* in which the King and Queen were placed in the day of ſolemn aſſent to the Conſtitution, we muſt have been convinced; that his reaſon ſuffered that calamity which he treats

* P. 31, 34.

with

with ſuch ſportive unconcern, or that his mind was under the government of ſomething even yet worſe than the morbid alienation of Reaſon.

But the Pillory and the inſulting figure over the head of their lawful King and Queen *, are not to be too rigorouſly underſtood. It is the painting of rhetoric. Children, and men of the information of children, are petrified with aſtoniſhment. Savage, brutal, diabolical, muſt be the cry. When I was very young indeed, I ſhould have literally underſtood it. I now underſtand it in its true value, as fine, extremely fine oratory; the better for being a little coarſe, as it is to be admired at a diſtance, which is its proper point of view. Reflection might lead thoſe who love it to conſider, as a late very acute obſerver has done †, that the King of *France* is not much to be pitied for reſtoring to the Nation that power which was not his, in exerciſe or even idea. And that if he has, which is generally believed, a ſpirit of bene-

* P. 28.

† Strictures on the Letter of the Right Hon. Mr. Burke, 1790. P. 31-5.

volence and a taſte for the pureſt glory, he muſt be far happier than the Throne of abſolute Monarchy could have made him.

It became the Accuſer, in ſuch terms, of *Rouſſeau*, to ſpeak tenderly of General *Monk*. If I were aſked what I thought of him, I ſhould ſay, that I thought him falſe, ſelfiſh, and a fit inſtrument of thoſe who, in their zeal to reſtore the Monarchy, and recover or acquire a little ſelf-importance under it, thought nothing of ſecurity to the People, or the Conſtitution. I ſhould treat his diſſembling and intereſted Conduct, as frankly as it has been treated by that great Hiſtorian, into whoſe hands Truth, Liberty and Philoſophy gave the pen; and enabled her to trace with inexhauſted ſpirit, the clear and expreſſive outline of our Conſtitution at its moſt important æra, through all the intricacies in which it had been involved. She will quit life with more animating reflections than are to be derived from the incenſe of Courts, or from the emulous homage of rival parties. But what *can* a Member of the *National Aſſembly* of *France* have to think of *Monk?* A *Member* of the *National Aſſembly* planning ſecret hoſtility againſt the Conſtitution under which

which that Aſſembly exiſts. I know nothing of *Hale* which reſembles this: if there were, the good would find it impoſſible to think of him with affectionate veneration. I ſhall not be found in the number of the advocates of civil oaths; nor of thoſe who think that honeſt men, above intrigue and above diſſimulation, may not, and ought not to be employed in judicial offices, in a government eſtabliſhed contrary to their opinion. But I cannot commend thoſe,—and if there are any, the New Election will, I hope, prevent their entrance,—who can ſit as Members of the National Repreſentation, as Guardians of the Conſtitution, waiting for *conjunctions* and *oppoſitions* to effect its fall. We ſhould have been ſatisfied on leſs authority, though we are obliged to Mr. *Burke* for his, that to wait for ſuch indications from the aſpects of the *Planets* would indeed be ſilly; and it might be diſaſtrous and fatal, with ignominy; as it was to a woman at the laſt *Norfolk* Aſſizes, who in a fit of jealouſy fired a barn, in reliance that the ſtars, as her confidential friend, a fortune-teller, had aſſured her, would place her above her enemies. She was convicted, and executed. Wiſer Sooth-ſayers may adviſe

the Malcontents in *France*, to wait for ſurer tokens in *political* aſpects: yet thoſe aſpects may deceive men, whoſe imaginations are ever on the watch; they certainly ſuſpend all confidence, ſecurity, and rational hope of returning Union, ſo far as they are indulged. They may be fatal to the plotters in the end; they are aſſuredly miſchievous in their intermediate effects to the Community.

I obſerve ſome apology is made by Mr. *Burke* to his *Pariſian* Correſpondent *, for not having duely ſettled the balance of moral and political merit, between thoſe who quitted their Country at ſuch a moment to revile, and thoſe who ſtaid in it, and accepted Poſts of the higheſt Truſt and Confidence, which ſprang, and could only ſpring, from the Conſtitution itſelf, to betray the Conſtitution,

*Non noſtrum eſt inter vos tantas componere lites,*

In the Edition which he tranſmits to his Friend, the preference to the extraordinary degree of poſitive merit, we are to ſuppoſe, is ſcrupulouſly aſſigned. My ſuffrage would be

* P. 49, 50.

with

Rousseau.



with thoſe who act agreeably to the ſentiments they profeſs: and I ſhould think the common feelings and ſenſe of Mankind would eſteem the *Abſentees* as by far the moſt conſiſtent; and leſs injurious beyond compariſon in their conduct.

When deſired to ſketch a Conſtitution *, Mr. *Burke* has returned an anſwer ſo like that of *Rouſſeau*, that I can hardly ſuppoſe it was abſent from his thoughts. There ſeems this merit, however, in *Rouſſeau*'s, that it was a command over himſelf againſt precipitate recommendation, when a Conſtitution was forming for the iſland, whence he was conſulted; when the miſchief of erroneous advice from a foreigner might have been immediate. Mr. *Burke*'s advice may do harm, ſo far as it can diſturb the preſent Conſtitution, and encourage Machinations againſt it, under the proſpect, ſuch as it is in every reſpect, of foreign aid; but it will, I think, remain harmleſs in point of application, ſo far as it relates to forming a new Conſtitution; as I do not think Mr. *Burke*, or I, or any of his admirers on this occaſion

* P. 55—8.

(in others I have been as much ſo as moſt men) in *France* or *England*, will live to ſee the preſent ſubverted by deceit or force *. It is ſomething to find, that my idea of an elective Senate, is leſs diſtant from the opinion of Mr. *Burke* than I imagined. But I do not think this, or any other improvement, real or fancied, in the preſent Conſtitution of *France*, worth the purchaſe of a civil war, and invitation to the Monarchies of *Europe*, to confederate and invade, and ſubdue *France* to their ſyſtem of Reform (if they can agree on any) againſt the opinion †, as even Mr. *Burke* believes, of the largeſt part of the Community. The majority of ſuch a Nation, which at the loweſt, to be acknowledged by Mr. *Burke* as the larger part, muſt be very ſenſibly ſo, are to be coerced as madmen by all the acts of unmodified hoſtility: and to this honourable work, in the moſt civilized age of the World, thoſe Nations are invited which are conſpicuouſly cultivated in their ſentiments and manners; in that part of the World which has been longeſt and moſt eminently diſtinguiſhed for civilization. An

* P. 63. † P. 19.

officer

officer of *Cromwell*'s, I will not ſay in what employment—that I may not be ſuſpected of an incivility far from my intentions,—ſaid, that all the Nation, except himſelf, were out of their right mind. This has not been taken as a proof of either part of his aſſertion. A Member of the *Britiſh* Parliament, who knows the poſſibility of differing in political ſentiments and meaſures without inſanity, affirms the majority of a Nation of *thirty* or *twenty-five* millions * at the leaſt, to be inſane. They have thought and acted in what immediately and univerſally concerns themſelves, otherwiſe than he approves.

He thinks the *National Aſſembly* † cannot have ſeen their way calmly and clearly; becauſe they have purſued it uninterruptedly, without thoſe enlightening intervals of retirement, that ſage and virtuous relaxation, that calm and beneficial reflection on the objects of their ſtation, exerciſed during the Receſs in every longer Adjournment and Prorogation,

* Mr. HOWLETT, in the *Annals of Agriculture*, ſtates them, and ſupports his Statement, with his Reaſons, at THIRTY-TWO MILLIONS.

† P. 72, 3, 4.

tion, and in every week during their Seſſion, by the Members of our Parliament, with ſuch experienced advantage to their Country. In forming a Conſtitution, a more continued attendance on this great object may be expedient and neceſſary than in the functions of Legiſlature, when a Conſtitution is ſettled. Yet poſſibly even then, there may be ſeaſons when ſuch intervals are detrimental beyond the clear benefit they can be ſuppoſed to produce. If after a Prorogation, the Parliament ſhould find itſelf provided with a war, which neither they nor their Conſtituents could approve, and which might be in every poſſible view injurious to the Nation, all the reflections they might bring back from the Receſs, would be a poor equivalent.

I do not think that this calming influence of a Receſs is perfectly aſcertained. No man confeſſedly is more ſuited by taſte and cultivation, and habits of ſociety, to avail himſelf of the ſoothing virtue of philoſophic repoſe, than the *Author* of the *Letter* on the *Revolution* of *France*. If the laſt of his Addreſſes on this ſubject is calmer in ſentiment and language than the firſt, it decides the effect in that particular inſtance; and the ſhades

of

of *Beaconſield* have imparted their calming influence with effect, to a Mind not diſſimilar in Taſte and Genius, and love of elegant ſatisfactions to that which in the former century conſecrated them to Fame; but if the efficacy is not aſcertained in the preſent inſtance, it would be in vain to rely on it in general.

*Froſton,*
29 *May*, 1791.

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The obſervations which are quoted in the Extract in p. 63-5, loſe however not a little in their application to France, on account of the compelled celibacy of the *Eccleſiaſtics* there under the late Conſtitution. This has been well ſhewn by others; and by none better than by Mr. MACINTOSH, in his VINDICIÆ GALLICÆ. A Work ſo excellent in luminous and conciſe ſtatement of facts, in ſtyle, arrangement, argument and principle, I am glad indeed to have ſeen.

P. 182, 3. The HISTORIAN to whom theſe pages allude, and whoſe laſt ſervice to public Freedom was the LETTER to EARL STANHOPE,

STANHOPE, occaſioned by that of Mr. BURKE on the REVOLUTION of FRANCE, *died* on the 22d of this month, after a long and moſt trying illneſs, ſupported with that magnanimity which animates her Writings, and which enabled her to record the moſt intereſting periods in the Hiſtory of this Nation, with a ſpirit equal to the actions and events. Though her Works will be a perpetual, and the nobleſt, memorial, I cannot allow myſelf to believe, that a ſuitable Teſtimony of National Reſpect, can fail of being given. As long as *Liberty*, the Philoſophy of the human *Mind*, the importance of Education on firm, pure, generous, comprehenſive Principles, and the unalterable dignity of moral *Truth*, are objects of which the value is duely recognized, THE PEOPLE of this Iſland will feel ſuch a remembrance to be juſt.

*Froſton*,
25 *June*, 1791. CAPEL LOFFT.

# POSTSCRIPT.

SINCE theſe Remarks on the Letter of Mr. BURKE to a *Member* of the *National Aſſembly* were printed, an event has happened of which I doubted whether I ſhould take any notice: the enlightened Spirit of that ASSEMBLY, and of the PEOPLE of FRANCE, having been ſo exerted, that however important ſuch a circumſtance might be where the Conſtitution wanted Firmneſs, or the Community were deficient in that Energy which is neceſſary to maintain the beſt, and adequate to rectifying the worſt political ſyſtem, in FRANCE, the attempt, its failure, or its ſucceſs, could be ſcarcely of that conſequence which entitles it to be named, except only as it illuſtrates the character of the NATION, and of the Government which it has choſen. Whether the eſcape of the King, and of his Conſort, on the 20th of June, withdrawing the Dauphin from that City in which the Voice of *France* had ſo lately conferred on

him a title which ought from infancy to have been recommended to his confidence and gratitude, by the earlieſt admonitions of parental tenderneſs; whether this flight will be a topic of ſplendid declamation to Mr. BURKE, I am unconcerned. But as it has happened, that amongſt the other terrors which the fervency of his zeal for the Royal Perſonages of *France*, has wafted with ſuch ſolicitude croſs the channel, to ears more open to any counſels, than thoſe which ought ſolely to have influenced their ſentiments and conduct, the Right Hon. Gentleman has predicted, that the King would be *aſſaſſinated*, it is rather expedient to reflect, how far preſent appearances accord with that prediction. The King of the French Nation abandons his poſt by flight, from the metropolis of the great territory entruſted to his care, from the Reſidence of Tranquillity, of Order, and of Conſtitutional Authority; from a Throne, dignified by a ſanction which required only conſiſtency in ſubſequent conduct, or ſincerity at the time of giving it, to have rendered his name revered and beloved to the lateſt age of the world. He directs his flight (and I will not ſay what kind of a flight, for circumſtances

cumſtances may be overlooked where the general features of an action are ſuch as to ſpare the neceſſity of pointing the minuter traits to obſervation) towards thoſe for the ſuppreſſion of whoſe confederacy his ſituation, his engagements, his profeſſions, every motive worthy of his regard as an individual, or of his attention as entruſted with the defence of the Nation, demanded his concurrence. With a public revenue of 1,200,000 appropriated to him; with his parks, his palaces, and the ſplendour of his eſtabliſhment in a country, which allows to no other office or family but his, diſtinctions of hereditary pomp and ſuperb pre-eminence, he complains as if he were diſcriminated only by ſufferings; in the midſt of millions; who have preferred his indulgence and grandeur to the relief of their own burthens. He complains, that the acceptance of the Conſtitution was not ſubjected to the will of thoſe adviſers from whom it was ſuppoſed he had been emancipated! And after the moſt aweful ſolemnities of Religion, after reiterated pledges of perſonal approbation, and of cordial concurrence, given under every circumſtance, and in every mode which could invite belief, or fix accumulated obli-

obligation, he is ready to give the People, if they can be compelled to take it, the *Declaration of his Will*, on the 23d of *June*, 1789, *ſo long as it ſhall remain his will*, as the baſis and meaſure of his future government. It has been juſtly obſerved by Mr. CHRISTIE *, that beſides its defectiveneſs, beſides the abuſes it retained, (and we may add its reſerve and ambiguity on moſt important points of perſonal and political, and ſocial Rights,) its title was ſufficient. It was a Declaration of individual Will for Law; to a People aſſembled by their Repreſentatives to organize a Conſtitution of Freedom. There might have been expected another and another Declaration: "and *what the King willed to give to-day, he might will to take away to-morrow.*"

Yet this King was brought back, notwithſtanding all the irritation included in the attempt, notwithſtanding all the provocation given in the mode of conducting it, and in the order to the Guard, to fire on thoſe who did their duty as Men and free Citizens in preventing it: a Guard given him to inveſt his perſon with dignity and ſecurity in main-

* P. 75.

tenance

tenance of the Conſtitution; not to aſſiſt him in lending a name and pretence to its enemies, and joining the ſtandard of thoſe whom it was his duty to repel. He was conducted with that order and inviolable ſecurity which is peculiar to the ſpirit of Freedom; where all are amenable to the Laws, and none are expoſed to any danger, but that which the Laws and the Conſtitution annex to the infringement of known duty. And the Lady whom Mr. BURKE ſeems to contemplate with adoration, paſſed through the Myriads who witneſſed the return to *Paris*, if not with ſentiments exempt from all mortal frailty, with a ſafety as perfect, as if, like an immortal, ſhe had poſſeſſed a controulling power over the will and actions of innumerable and indignant multitudes. Yet Mr. BURKE may be diſpoſed to acknowledge, that at ſuch an inſtant, it was neither as the Deſcendant of ſo many Princes, nor as the Wife of the King, or the Mother of the Dauphin; it is neither to her beauty, or her accompliſhments, that ſhe owed this ſafety: ſhe was guarded by the *Ægis* of Liberty. The People who had witneſſed with tranquil intrepidity, an eſcape which carried with it

the ſignal of immediate invaſion, beheld the return with the ſame regulated temper. The Leaders of the Revolution, the Defenders of that free Government which FRANCE has choſen, were the diſintereſted and intrepid Guardians of thoſe, againſt any ſudden and irregular Act of Reſentment, whoſe attempt ſtruck at their exiſtence: and the veneration to public Virtue in the perſon of FAYETTE, gave to *Maria Antonietta*, a protection no leſs complete than if THE PEOPLE of FRANCE had adopted towards her the ſentiments and the language of Mr. BURKE. What the reſult to her, to the King, to the Contrivers and Parties in the attempt will be, I ſhall not think it becoming to anticipate. It will be, I am perſuaded, what a ſolemn public enquiry ſhall aſcertain that it ought to be. It reſts with the humanity of a generous, the firmneſs of a brave, the diſcernment and juſtice of a free and enlightened People. For myſelf I ſhould not much have regretted, if the attempted eſcape had been completely made, that the Arm of Freedom, riſing in her irreſiſtible power, might have removed at once, by one immediate and deciſive exertion, the impediments

to

to the peace and tranquillity of the Nation: and have cruſhed all the machinations and hopes of Deſpotiſm at a ſtroke. But the diſappointment of the project of their enemies, may be as effectual as the defeat of it, if the meditated flight had been accompliſhed. The vigilance, the magnanimity of the Friends of Liberty in FRANCE has been glorioufly manifeſted, the force and union of public ſentiment has proved itſelf, and will prove, equal to whatever future occaſion can demand. A Nation completely organized, univerſally animated, feels and acts at once through the whole of its great extent. It will not be deceived or ſubdued. It will neither commit nor ſuffer outrage. It will puniſh, ſo far as may be neceſſary, thoſe of whom the impunity may be inconſiſtent with what it owes to itſelf. For others, they will learn by experience that it is better, with tranquillity and fidelity, to accept the bleſſings of Freedom, than to dream of ſubverting a Conſtitution eſtabliſhed under her auſpices.

2 *July*, 1791.

THE END.

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# CORRIGENDA.

Page 4, l. 1. after *haſte*, inſert ;—
11, l. 18. after *it*, inſert —
— l. 24. after *is*, inſert , dele after *leaſt*.
12, l. 19. V. in cap.
42, l. 21. after *intereſts*, dele , inſert :—
43, after *reſtraint*, dele ,
45, l. 10, after *natural Right*, dele , inſert :
54, l. 23. after *influence*, inſert ,
77, —— after *them*, inſert ,
82, note, l. 2. after *perſuade*, inſert .
87, l. 7. after *Philoſophy*, inſert ,
98, l. 11. after *claim*, inſert ,
163, note, l. 1. dele ,
168, l. 22. after *malignity*, for . a :
169, l. 4. *Virtue*.
170, dele , in l. 3. of the note.
173, l. 4. after *any* ,
—— l. 6. *Principle*.
176, for ? after *reſearch*, a .
182, l. 13. v. cap.
61, l. 3. read " Appendix *to*."
74, l. 8. dele *a*.
83, l. 3. *ſtriking* by paradox.
98, l. 23. light *in* which.
158, l. 13. A Reaſon. Letters by MADEMOISELLE NECKAR, ſince Baroneſs Stahl, on the writings and character of ROUSSEAU.
177, note, *Ne oſſa quidem ejus.* He was buried at *Ermenonville* in the *Iſle de France*. See a little Tract entitled, A Tour to *Ermenonville*.

Stael

## APPENDIX.

114, note, l. 5. for *its*, read *their*.

I have ſeen yeſterday a tenth edition of Mr. *Burke's* Letter, but had not time to examine it particularly. It ſeems not different from the preceding.

I cloſe theſe Remarks, and expect to publiſh them on the ſecond year completed of the REVOLUTION of FRANCE, and the ſecond day of its annual commemoration in England. May their and our poſterity, may an enlightened and liberated WORLD commemorate that event, as many ages hence as the ſyſtem of human government ſhall continue.

*Bates's Hotel, Adelphi,*
*14 July, 1791, at Noon.*

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